

CHARTER
OF THE
CITY OF SAN DIEGO
CALIFORNIA



ADOPTED
AT THE
GENERAL ELECTION

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INDEX

to

Charter of City of San Diego, Calif.

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Reference Department
San Diego Public Library

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Senate Concurrent Resolution No. 34.

CHAPTER 47.

Senate Concurrent Resolution No. 34—Relative to approving the charter of the city of San Diego, which was submitted to the qualified voters of said city and voted for and ratified by them at the general municipal election held on the seventh day of April, 1931.

(Filed with Secretary of State April 24, 1931.)

WHEREAS, The city of San Diego, in the county of San Diego, State of California, now is and was at all times herein referred to, a city containing a population of more than one hundred thousand inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States; and

WHEREAS, The said city of San Diego at all times mentioned herein was, and now is organized and existing under a freeholders' charter adopted under the provisions of section 8 of article eleven of the constitution of the State of California, which charter was duly adopted and ratified by a majority of the qualified electors of the said city on the second day of March, 1889, and approved by the Legislature of the State of California on the sixteenth day of March, 1889; and

WHEREAS, Proceedings having been had for the proposal, adoption and ratification of a new charter for said city of San Diego, as set out in the certificate of the mayor and city clerk of the said city of San Diego, to-wit:

State of California,
County of San Diego,
City of San Diego.

ss.

We, the undersigned, Harry C. Clark, mayor of the city of San Diego, county of San Diego, State of California, and Allen H. Wright, city clerk of said city, do hereby certify and declare as follows:

That the city of San Diego, in the county of San Diego, State of California, now is and at all times herein referred to, was a city containing a population of more than one hundred thousand inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States.

That said city of San Diego at all times mentioned herein was, and now is, organized and existing under a freeholders' charter adopted under the provisions of section 8 of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the second day of March, in the year 1889, in manner, form and substance as required by law, and was thereafter duly approved by joint resolution of the Legislature of the State of California, adopted on the sixteenth day of March, 1889.

That, pursuant to the provisions of section 8 of article eleven of the constitution of the State of California, the common council of the said city of San Diego, said common council being the legislative body of said city, did by a two-thirds vote of all its members, pass a resolution calling a special municipal election to be held on Tuesday, the twenty-sixth day of August, 1930, for the purpose of choosing a board of fifteen freeholders, to frame, prepare and propose a new charter for the said city of San Diego; that at such election held on said day, a board of fifteen freeholders, duly qualified, was elected in and by

said city, by the qualified electors thereof, which said board within one hundred twenty days after the result of said election was declared, to-wit, on the seventeenth day of December, 1930, filed a request with the common council of said city for an extension of sixty days time in which to complete its work, which extension was duly authorized by the said common council, during which period the said board of freeholders did frame and prepare a proposed new charter for said city, and did on the ninth day of January, 1931, file in the office of said city clerk a proposed new charter for the government of said city, and upon said charter designated the date of the General Municipal Election, to-wit: the seventh day of April, 1931, as the date upon which, and the election at which, said charter should be submitted to the electors of said city for ratification; that said proposed charter and said designation for the date for the submission thereof to the electors for ratification were duly filed by a majority of the members of the said board of freeholders; that thereupon said mayor and common council duly caused said charter to be submitted to the electors of said city for ratification at the General Municipal Election held on the seventh day of April, 1931, and did, within fifteen days after the filing of said charter, cause the same to be published once, on the twenty-fourth day of January, 1931, in The San Diego Sun, the official newspaper of said city, and caused copies of said charter to be printed in convenient pamphlet form, and until the date fixed for the election upon such charter, advertised in said newspaper, a notice that such copies of said charter could be had at the office of the city clerk upon application therefor; that at the said election, duly and regularly held on said seventh day of April, 1931, a majority of qualified electors voting thereon voted in favor of such proposed charter, and the common council of the city of San Diego, county of San Diego, State of California, at a meeting held in the manner required by law, duly canvassed the returns of said election, and duly found, determined and declared that a majority of the said electors voting thereon had voted for and ratified said charter; that said charter, after the same was prepared, proposed and ratified as herein set forth, is as follows, to-wit:

ARTICLE I.

CORPORATE POWERS

Section 1. INCORPORATION AND CORPORATE POWERS. The municipal corporation now existing and known as "The City of San Diego" shall continue to be a municipal corporation under the same name, with the boundaries as now established or as may hereafter be legally established. Such municipal corporation shall have perpetual succession, may use a corporate seal; may sue and defend in all courts and places, and in all matters and proceedings whatever; may own and acquire property within or without its boundaries for either governmental or proprietary, or any municipal purpose, either by succession, annexation, purchase, devise, lease, gift or condemnation, and may sell, lease, convey, exchange, manage and dispose of the same as the interests of said City may require; receive bequests, donations and gifts of all kinds of property within and without The City of San Diego in fee simple or in trust for charitable or other purposes, and do all acts necessary to carry out the purposes of such gifts, bequests and donations; may own and operate public utility systems, including the joint or sole operation and ownership of utilities for the purchase, development, and supply of water and electrical power for the use of the City and its inhabitants and others; and generally shall have all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever now or hereafter authorized to be granted to municipal corporations by the Constitution and laws of the State of California.

Section 2. POWERS UNDER CONSTITUTION AND GENERAL LAWS. The City of San Diego, in addition to any of the powers now held by or that may hereafter be granted to it under the Constitution or Laws of this State, shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter; provided, however, that nothing herein shall be construed to prevent or restrict the City from exercising, or consenting to, and the City is hereby authorized to exercise any and all rights, powers and privileges heretofore or hereafter granted or prescribed by General Laws of the State.

Section 3. EXTENT OF MUNICIPAL JURISDICTION. The municipal jurisdiction of The City of San Diego shall extend to the limits and boundaries of said City and over the tidelands and waters of the Bay of San Diego, and into the Pacific Ocean to the extent of one Marine League. In addition thereto The City of San Diego shall have the right and power to prepare and adopt such rules and regulations as it may deem necessary for the regulation, use, and government of the water system of The City of San Diego, both within and without the territorial limits of said City, and such rules and regulations having been adopted by Ordinance, shall have the force and effect of law.

ARTICLE II.

NOMINATIONS AND ELECTIONS

Section 4. DISTRICTS ESTABLISHED. For the purpose of electing members of the Council, the City shall be divided into six Districts as nearly equal in registered voter population as practicable. For all primary and regular elections held under this Charter, the boundaries of such Districts shall be as follows:

DISTRICT NUMBER ONE includes all that portion of The City of San

Diego embraced within the following described boundaries:

Beginning at the intersection of the northerly line of the U. S. Military Reservation on Point Loma with the shore line of the Pacific Ocean; thence in a general northerly direction along the shore line of the Pacific Ocean to its intersection with the easterly boundary line of the Pueblo Lands of San Diego; thence southerly along said easterly boundary line of the Pueblo Lands of San Diego to its intersection with the northerly line of Lot 17, Resubdivision of Villa Lots 51 to 57 and 59 to 66 Inclusive, Pueblo Lots 1110-1113, University Heights, according to Map thereof No. 1064, Records of San Diego County; thence westerly along the northerly line of said Lot 17 and along the northerly line of V. L. 58, University Heights, according to Map thereof No. 951, Records of the County of San Diego, to the northwest corner of said V. L. 58; thence southerly along the westerly line of said V. L. 58 to the northerly line of Referee's Partition Map of East One-half of P. L. 1110, according to Map thereof No. 937, Records of San Diego County; thence westerly along the northerly line of said Referee's Partition Map of East One-half of P. L. 1110 to the northwest corner thereof; thence southerly along the westerly line of said Referee's Partition Map of East One-half of P. L. 1110 to an intersection with the easterly production of the northerly line of Valle Vista Terrace, according to Map thereof No. 1081, Records of San Diego County; thence westerly along the easterly production of the northerly line of said Valle Vista Terrace, and along the northerly line of said Valle Vista Terrace to the northwest corner thereof; thence southerly along the westerly line of said Valle Vista Terrace to its intersection with the northeasterly production of the northwesterly line of Lot 5, Pueblo Lot 1111; thence southwesterly along the northeasterly production of the northwesterly line of said Lot 5, and along the northwesterly line of said Lot 5 to the easterly line of Mission Cliff Manor, according to Map thereof No. 1867, Records of San Diego County; thence northerly, westerly and southerly along the easterly, northerly and westerly lines of said Mission Cliff Manor to the northerly line of Pueblo Lot "D"; thence westerly along the northerly line of Pueblo Lot "D" to the northwest corner thereof; thence S 00° 30' E along the westerly line of Pueblo Lot "D" to a point distant 196.0 feet northerly from the southwesterly corner thereof; thence N 50° 03' 50" W a distance of 1019.8 feet to a point; thence N 38° 26' W a distance of 698.24 feet to a point; thence S 58° 27' W a distance of 732.42 feet to a point; thence S 66° 40' W a distance of 882.97 feet to a point on the westerly line of Pueblo Lot 1118 distant 214.00 feet northerly from the northerly line of Florence Heights No. 2 Addition, according to Map thereof No. 905, Records of San Diego County; thence southerly along the westerly line of said Pueblo Lot 1118 a distance of 214.00 feet to the northerly line of said Florence Heights No. 2 Addition; thence westerly along the northerly line of said Florence Heights No. 2 Addition to the centerline of Falcon Street; thence northerly along the northerly production of the centerline of Falcon Street to its intersection with the easterly production of the centerline of Court Way; thence westerly along the easterly production of the centerline of Court Way to the easterly line of Franklin Court, according to Map thereof No. 1453, Records of San Diego County; thence northerly along the easterly line of Franklin Court to the northeasterly corner thereof; thence westerly along the northerly line of said Franklin Court and along the northerly line of Avalon Heights, according to Map thereof No. 1600, Records of San Diego County, to the northwest corner of Lot 35, said Avalon Heights; thence southerly along the westerly line of said Lot 35 to the northerly

line of Lot 34, said Avalon Heights; thence westerly along the northerly line of said Lot 34 to the northwest corner thereof; thence southerly, easterly and southerly along the westerly line of said Avalon Heights to the southwest corner of said Avalon Heights, said corner being on the centerline of Jackdaw Street; thence southerly along the centerline of Jackdaw Street to its intersection with the centerline of Lewis Street; thence easterly along the centerline of Lewis Street to its intersection with the centerline of Ibis Street; thence southerly along the centerline of Ibis Street to the south line of Arnold and Choate's Addition, according to Map thereof No. 334, Records of San Diego County; thence easterly along the southerly line of Arnold and Choate's Addition to the centerline of Hawk Street; thence northerly along the centerline of Hawk Street to its intersection with the centerline of Douglass Street; thence easterly along the centerline of Douglass Street to its intersection with the centerline of Goldfinch Street; thence southerly along the centerline of Goldfinch Street to its intersection with the centerline of Sutter Street; thence westerly along the centerline of Sutter Street to its intersection with the westerly line of C. C. Seaman's Subdivision, according to Map thereof No. 530, Records of San Diego County; thence southerly along the said westerly line of C. C. Seaman's Subdivision to its intersection with the centerline of Brookes Avenue; thence easterly along the centerline of Brookes Avenue to its intersection with the centerline of Hawk Street; thence southerly along the centerline of Hawk Street to its intersection with the centerline of Upas Street; thence easterly along the centerline of Upas Street to its intersection with the centerline of Reynard Way; thence southerly along the centerline of Reynard Way to its intersection with the centerline of Eagle Street where said Eagle Street terminates in Reynard Way between Lots 63 and 64, Reynard Hills, according to Map thereof No. 2097, Records of San Diego County; thence southeasterly along the centerline of Eagle Street to the centerline of Dove Street; thence southerly along the centerline of Dove Street to its intersection with the centerline of Maple Street; thence easterly along the centerline of Maple Street to its intersection with the centerline of Curlew Street; thence southerly along the centerline of Curlew Street to its intersection with the centerline of Union Street; thence southeasterly along the centerline of Union Street to its intersection with the centerline of Hawthorn Street; thence southwestwardly along the centerline of Hawthorn Street and its southwestwardly production to its intersection with the shore line of the Bay of San Diego; thence in a general northwesterly direction along the shore line of the Bay of San Diego to its intersection with the easterly boundary line of the U. S. Marine Corps Base; thence in a general northerly and northwesterly direction along said boundary line of the U. S. Marine Corps Base to the southerly line of Barnett Avenue; thence westerly along the southerly line of Barnett Avenue to its intersection with the southeasterly production of the centerline of Lytton Street; thence southwestwardly along the southeasterly production of the centerline of Lytton Street and along the centerline of Lytton Street to its intersection with the centerline of Rosecrans Street; thence southwestwardly along the centerline of Rosecrans Street to its intersection with the centerline of Lowell Street; thence southeasterly along the centerline of Lowell Street to its intersection with the shore line of the Bay of San Diego; thence southerly along the shore line of the Bay of San Diego to the northerly line of the U. S. Military Reservation; thence westerly along the northerly line of the U. S. Military Reservation to the place of beginning.

DISTRICT TWO.

DISTRICT NUMBER TWO includes all that portion of the City of San Diego embraced within the following described boundaries:

Beginning at the intersection of the centerline of Sandrock Grade with the easterly production of the northerly line of Valle Vista Terrace, according to Map thereof No. 1081, Records of San Diego County; thence westerly along the easterly production of the northerly line of said Valle Vista Terrace, and along the northerly line of said Valle Vista Terrace to the northwest corner thereof; thence southerly along the westerly line of said Valle Vista Terrace to its intersection with the northeasterly production of the northwesterly line of Lot 5, Pueblo Lot 1111; thence southwesterly along the northeasterly production of the northwesterly line of said Lot 5, and along the northwesterly line of said Lot 5 to the easterly line of Mission Cliff Manor, according to Map thereof No. 1867, Records of San Diego County; thence northerly, westerly and southerly along the easterly, northerly and westerly lines of said Mission Cliff Manor to the northerly line of Pueblo Lot "D"; thence westerly along the northerly line of Pueblo Lot "D" to the northwest corner thereof; thence southerly along the westerly line of Pueblo Lot "D" to a point distant 196.00 feet northerly from the southwest corner thereof; thence N 50° 03' 50" W a distance of 1019.8 feet to a point; thence N 38° 26' W a distance of 698.24 feet to a point; thence S 58° 27' W a distance of 732.42 feet to a point; thence S 66° 40' W a distance of 882.97 feet to a point on the westerly line of Pueblo Lot 1118 distant 214.00 feet northerly from the northerly line of Florence Heights No. 2 Addition, according to Map thereof No. 905, Records of San Diego County; thence southerly along the westerly line of said Pueblo Lot 1118 a distance of 214.00 feet to the northerly line of said Florence Heights No. 2 Addition; thence westerly along the northerly line of said Florence Heights No. 2 Addition to the centerline of Falcon Street; thence northerly along the northerly production of the centerline of Falcon Street to its intersection with the easterly production of the centerline of Court Way; thence westerly along the easterly production of the centerline of Court Way to the easterly line of Franklin Court, according to Map thereof No. 1453, Records of said San Diego County; thence northerly along the easterly line of said Franklin Court to the northeasterly corner thereof; thence westerly along the northerly line of said Franklin Court and along the northerly line of Avalon Heights, according to Map thereof No. 1600, Records of San Diego County, to the northwest corner of Lot 35, said Avalon Heights; thence southerly along the westerly line of said Lot 35 to the northerly line of Lot 34, said Avalon Heights; thence westerly along the northerly line of said Lot 34 to the northwesterly corner thereof; thence southerly, easterly and southerly along the westerly line of said Avalon Heights to the southwest corner of said Avalon Heights; said corner being on the centerline of Jackdaw Street; thence southerly along the centerline of Jackdaw Street to its intersection with the centerline of Lewis Street; thence easterly along the centerline of Lewis Street to its intersection with the centerline of Ibis Street; thence southerly along the centerline of Ibis Street to the south line of Arnold and Choate's Addition, according to Map thereof No. 334, Records of San Diego County; thence easterly along the southerly line of Arnold and Choate's Addition to the centerline of Hawk Street; thence northerly along the centerline of Hawk Street to its intersection with the centerline of Douglass Street; thence easterly along the centerline of Douglass Street to its intersection with the centerline of Goldfinch Street; thence southerly along the cen-

terline of Goldfinch Street to its intersection with the centerline of Sutter Street; thence westerly along the centerline of Sutter Street to its intersection with the westerly line of C. C. Seaman's subdivision, according to Map thereof No. 530, Records of San Diego County; thence southerly along the said westerly line of C. C. Seaman's Subdivision to its intersection with the centerline of Brookes Avenue; thence easterly along the centerline of Brookes Avenue to its intersection with the centerline of Hawk Street; thence southerly along the centerline of Hawk Street to its intersection with the centerline of Upas Street; thence easterly along the centerline of Upas Street to its intersection with the centerline of Reynard Way; thence southerly along the centerline of Reynard Way to its intersection with the centerline of Eagle Street where said Eagle Street terminates in Reynard Way between Lots 63 and 64, Reynard Hills, according to Map thereof No. 2097, Records of San Diego County; thence southeasterly along the centerline of Eagle Street to the centerline of Dove Street; thence southerly along the centerline of Dove Street to its intersection with the centerline of Maple Street; thence easterly along the centerline of Maple Street to its intersection with the centerline of Curlew Street; thence southerly along the centerline of Curlew Street to its intersection with the centerline of Union Street; thence southeasterly along the centerline of Union Street to its intersection with the centerline of Grape Street; thence easterly along the centerline of Grape Street to its intersection with the centerline of Sixth Street; thence northerly along the centerline of Sixth Street to its intersection with the westerly production of the northerly line of Balboa Park; thence easterly along the westerly production of the northerly line of Balboa Park, and along the northerly line of Balboa Park to its intersection with the southerly production of the centerline of Arnold Avenue; thence northerly along the southerly production of the centerline of Arnold Avenue and along the centerline of Arnold Avenue to its intersection with the centerline of University Avenue; thence westerly along the centerline of University Avenue to its intersection with the centerline of Texas Street; thence northerly along the centerline of Texas Street to its intersection with the centerline of Polk Avenue; thence easterly along the centerline of Polk Avenue to its intersection with the centerline of Hamilton Street; thence northerly along the centerline of Hamilton Street to its intersection with the centerline of El Cajon Avenue; thence westerly along the centerline of El Cajon Avenue to its intersection with the centerline of Florida Street; thence northerly along the centerline of Florida Street to its intersection with the centerline of Meade Avenue; thence easterly along the centerline of Meade Avenue to its intersection with the centerline of Louisiana Street; thence northerly along the centerline of Louisiana Street to its intersection with the centerline of Adams Avenue; thence easterly along the centerline of Adams Avenue to its intersection with the centerline of Sandrock Grade; thence northerly along the centerline of Sandrock Grade to the place of beginning.

DISTRICT THREE

DISTRICT NUMBER THREE includes all that portion of The City of San Diego embraced within the following described boundaries:

Beginning at the intersection of the southerly production of the centerline of Arnold Avenue with the northerly line of Balboa Park; thence northerly along the southerly production of the centerline of Arnold Avenue and along

the centerline of Arnold Avenue to its intersection with the centerline of University Avenue; thence westerly along the centerline of University Avenue to its intersection with the centerline of Texas Street; thence northerly along the centerline of Texas Street to its intersection with the centerline of Polk Avenue; thence easterly along the centerline of Polk Avenue to its intersection with the centerline of Hamilton Street; thence northerly along the centerline of Hamilton Street to its intersection with the centerline of El Cajon Avenue; thence westerly along the centerline of El Cajon Avenue to its intersection with the centerline of Florida Street; thence northerly along the centerline of Florida Street to its intersection with the centerline of Meade Avenue; thence easterly along the centerline of Meade Avenue to its intersection with the centerline of Louisiana Street; thence northerly along the centerline of Louisiana Street to its intersection with the centerline of Adams Avenue; thence easterly along the centerline of Adams Avenue to its intersection with the centerline of Sandrock Grade; thence northerly along the centerline of Sandrock Grade to its intersection with the easterly production of the northerly line of Valle Vista Terrace, according to Map thereof No. 1081, Records of San Diego County; thence easterly along the easterly production of the northerly line of Valle Vista Terrace to its intersection with the westerly line of Referee's Partition Map of East One-Half of Pueblo Lot 1110, according to Map thereof No. 937, Records of San Diego County; thence northerly along the westerly line of said Referee's Partition Map of East One-Half of Pueblo Lot 1110 to the northwest corner thereof; thence easterly along the northerly line of said Referee's Partition Map of East One-Half of Pueblo Lot 1110 to the westerly line of V. L. 58, University Heights, according to Map thereof No. 951, Records of the County of San Diego; thence northerly along the westerly line of said V. L. 58 to the northwest corner thereof; thence easterly along the northerly line of said V. L. 58 and along the northerly line of Lot 17, Resubdivision of Villa Lots 51 to 57 and 59 to 66 Inclusive, Pueblo Lots 1110-1113, University Heights, according to Map thereof No. 1064, Records of San Diego County, to an intersection with the easterly boundary line of the Pueblo Lands of San Diego; thence southerly along the easterly boundary line of the Pueblo Lands of San Diego to an intersection with the centerline of Polk Avenue; thence easterly along the centerline of Polk Avenue to its intersection with the centerline of Wilson Avenue; thence southerly along the centerline of Wilson Avenue to its intersection with the centerline of University Avenue; thence easterly along the centerline of University Avenue to its intersection with the centerline of 38th Street; thence southerly along the centerline of 38th Street to its intersection with the centerline of Victoria Avenue; thence southwesterly along the centerline of Victoria Avenue to its intersection with the centerline of Wabash Avenue; thence southerly along the centerline of Wabash Avenue to its intersection with the Fourth Standard Parallel South, San Bernardino Base and Meridian; thence westerly along said Fourth Standard Parallel to the easterly boundary line of the Pueblo Lands of San Diego; thence southerly along the easterly boundary line of the Pueblo Lands of San Diego to its intersection with the centerline of Grape Street; thence westerly along the centerline of Grape Street to the easterly line of Pueblo Lot 1140 of the Pueblo Lands of San Diego; thence westerly in a direct line to the intersection of the center line of Grape Street with the west line of 34th Street; thence westerly along the centerline of Grape Street to its intersection with the centerline of 30th Street; thence northerly along the centerline of 30th Street to its inter-

section with the centerline of Ivy Street; thence westerly along the centerline of Ivy Street to the easterly line of Balboa Park; thence northerly along the easterly line of Balboa Park to the northeast corner thereof; thence westerly along the northerly line of Balboa Park to the place of beginning.

DISTRICT FOUR

DISTRICT NUMBER FOUR includes all that portion of The City of San Diego embraced within the following described boundaries:

Beginning at the northwesterly corner of Lot 17, Windsor Place, according to Map thereof No. 1870, Records of San Diego County, said corner also lying on the east line of the Pueblo Lands of San Diego; thence northeasterly along the boundary line of The City of San Diego, and continuing along said boundary line of The City of San Diego in its various directions to its intersection with the Fourth Standard Parallel South, San Bernardino Base and Meridian; thence westerly along said Fourth Standard Parallel to its intersection with the centerline of Wabash Avenue; thence northerly along the centerline of Wabash Avenue to its intersection with the centerline of Victoria Avenue; thence northeasterly along the centerline of Victoria Avenue to its intersection with the centerline of 38th Street; thence northerly along the centerline of 38th Street to its intersection with the centerline of University Avenue; thence westerly along the centerline of University Avenue to its intersection with the centerline of Wilson Avenue; thence northerly along the centerline of Wilson Avenue to its intersection with the centerline of Polk Avenue; thence westerly along the centerline of Polk Avenue to its intersection with the easterly boundary line of the Pueblo Lands of San Diego; thence northerly along the easterly boundary line of the Pueblo Lands of San Diego to the place of beginning.

DISTRICT FIVE

DISTRICT NUMBER FIVE includes all that portion of The City of San Diego embraced within the following described boundaries:

Beginning at the intersection of the southeasterly boundary line of The City of San Diego with the shore line of the Bay of San Diego; thence northwesterly along the shore line of the Bay of San Diego to its intersection with the southerly production of the centerline of 6th Street; thence northerly along the southerly production of the centerline of 6th Street to its intersection with the westerly production of the centerline of Commercial Street; thence easterly along the westerly production of the centerline of Commercial Street and along the centerline of Commercial Street to its intersection with the centerline of 14th Street; thence northerly along the centerline of 14th Street to its intersection with the centerline of Market Street; thence easterly along the centerline of Market Street to its intersection with the centerline of 31st Street; thence northerly along the centerline of 31st Street to its intersection with the centerline of A Street; thence easterly along the centerline of A Street to its intersection with the centerline of 32nd Street; thence northerly along the centerline of 32nd Street to its intersection with the centerline of Cedar Street; thence westerly along the centerline of Cedar Street to its intersection with the centerline of Edgemont Street; thence northerly along the centerline of Edgemont Street to its intersection with the centerline of Grape Street; thence easterly along the centerline of Grape Street to the westerly line of 34th Street; thence easterly in a direct line to the intersection of the centerline of Grape Street with the east line of Pueblo Lot 1140 of the Pueblo Lands of San

Diego; thence easterly along the centerline of Grape Street to its intersection with the easterly boundary line of the Pueblo Lands of San Diego; thence northerly along the easterly boundary line of the Pueblo Lands of San Diego to its intersection with the Fourth Standard Parallel South, San Bernardino Base and Meridian; thence easterly along said Fourth Standard Parallel to the Northeast corner of Section 2. Township 17 South, Range 2 West, S. B. M., which is also in the Easterly boundary line of The City of San Diego; thence southerly along the boundary line of The City of San Diego, and continuing along said boundary line of The City of San Diego in its various directions to its intersection with the shore line of the Bay of San Diego, the place of beginning.

DISTRICT SIX

DISTRICT NUMBER SIX includes all that portion of The City of San Diego embraced within the following described boundaries:

Beginning at the intersection of the southwesterly production of the centerline of Hawthorn Street with the shore line of the Bay of San Diego; thence northeasterly along the southwesterly production of the centerline of Hawthorn Street and the centerline of Hawthorn Street to its intersection with the centerline of Union Street; thence southeasterly along the centerline of Union Street to its intersection with the centerline of Grape Street; thence easterly along the centerline of Grape Street to its intersection with the centerline of Sixth Street; thence northerly along the centerline of Sixth Street to its intersection with the westerly production of the northerly line of Balboa Park; thence easterly along the westerly production of the northerly line of Balboa Park, and along the northerly line of Balboa Park to the northeast corner thereof; thence southerly along the easterly line of Balboa Park to its intersection with the centerline of Ivy Street; thence easterly along the centerline of Ivy Street to its intersection with the centerline of 30th Street; thence southerly along the centerline of 30th Street to its intersection with the centerline of Grape Street; thence easterly along the centerline of Grape Street to its intersection with the centerline of Edgemont Street; thence southerly along the centerline of Edgemont Street to its intersection with the centerline of Cedar Street; thence easterly along the centerline of Cedar Street to its intersection with the centerline of 32nd Street; thence southerly along the centerline of 32nd Street to its intersection with the centerline of A Street; thence westerly along the centerline of A Street to its intersection with the centerline of 31st Street; thence southerly along the centerline of 31st Street to its intersection with the centerline of Market Street; thence westerly along the centerline of Market Street to its intersection with the centerline of 14th Street; thence southerly along the centerline of 14th Street to its intersection with the centerline of Commercial Street; thence westerly along the centerline of Commercial Street and the westerly production of the centerline of Commercial Street to its intersection with the southerly production of the centerline of 6th Street; thence southerly along the southerly production of the centerline of 6th Street to the shore line of the Bay of San Diego; thence northwesterly and northerly along the shore line of the Bay of San Diego to the place of beginning.

Section 5. REDISTRICTING. In the event that any voting precinct which may be established at the time of this Charter takes effect or which may be thereafter established is partly within two or more such districts, said precinct

DISTRICT N^o 1.

DISTRICT N^o 1.
Includes POINT LOMA, OCEAN BEACH, MISSION BEACH, PACIFIC BEACH, LA JOLLA and part of MISSION MILLS. (All north and west of indicated boundaries.)

DISTRICT N^o 2.

DISTRICT N^o 3.

DISTRICT N^o 4.

DISTRICT N^o 6.

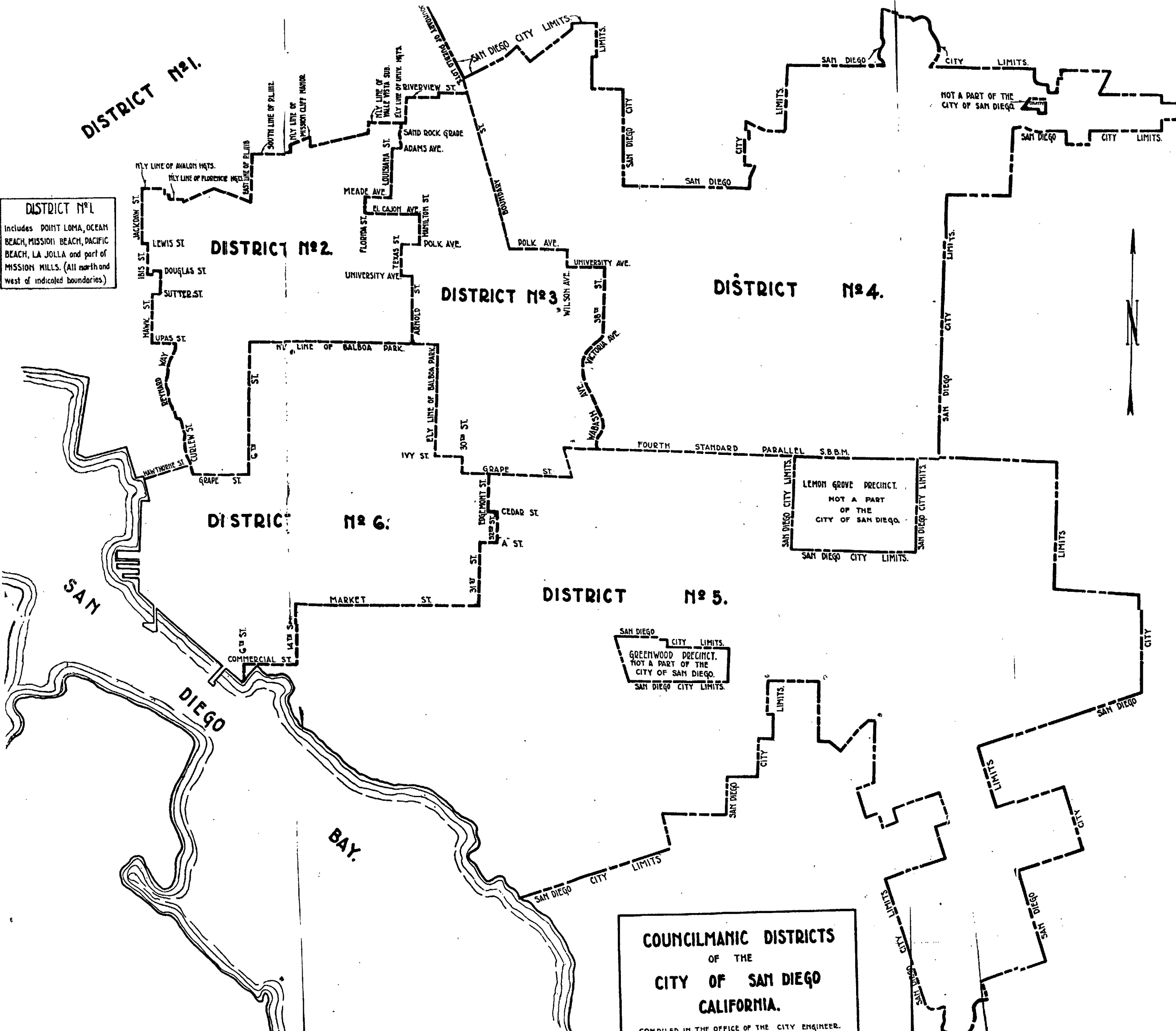
DISTRICT N^o 5.

LEMON GROVE PRECINCT.
NOT A PART
OF THE
CITY OF SAN DIEGO.

GREENWOOD PRECINCT.
NOT A PART OF THE
CITY OF SAN DIEGO.

**COUNCILMANIC DISTRICTS
OF THE
CITY OF SAN DIEGO
CALIFORNIA.**

COMPILED IN THE OFFICE OF THE CITY ENGINEER.



shall be allocated to the District in which a majority of the voters within such precinct resides, and said district boundaries shall be changed accordingly by an ordinance of the Council. The City shall be redistricted by ordinance for the purpose of maintaining approximate equality of registered voting population, at least once in every ten years, but shall not be redistricted within four years after any such redistricting.

Any territory hereafter annexed to or consolidated with the City of San Diego shall at the time of such annexation or consolidation be added to an adjacent District or Districts by an ordinance of the Council, provided, that if any territory annexed or consolidated at any one time shall contain qualified voters sufficient to upset the approximate equality of the established districts, the Council shall at least sixty days before an election after such annexation or consolidation redistrict the City regardless of the time limitation of four years heretofore mentioned.

In any redistricting, the districts shall be comprised of contiguous territory and made as equal in registered voters as shown by the registration records, and as geographically compact as possible, and the districts so formed shall, as far as possible, be bounded by natural boundaries, by street lines and/or by City boundary lines.

Section 6. QUALIFIED ELECTORS. The qualifications of an elector at any election held in the City under the provisions of this Charter shall be the same as those prescribed by the general law of the State for the qualification of electors at General State Elections. No person shall be eligible to vote at such City election until he has conformed to the general State law governing the registration of voters.

Section 7. ELECTIVE OFFICERS. No person shall be eligible to or hold any elective office of the City, either by election or appointment, unless he shall have been a resident and elector thereof for at least three years next preceding his election or appointment.

In addition to the foregoing qualifications, every Councilman must have been at the time of his election, or appointment in the event of a vacancy, an actual resident in the district from which he was nominated for one year immediately preceding his election or appointment. Any Councilman who moves from the district of which he was a resident at the time of his election or appointment forfeits his office, but no Councilman shall forfeit his office as a result of redistricting.

Section 8. ELECTION AUTHORITIES. All elections provided for by this Charter, whether for choice of officers or submission of questions to the voters, shall be conducted in the manner prescribed by general laws of the State for the election of State and County officers, or for the approval or rejection of initiative or referendum measures; and the provisions of the general election laws of the State shall apply to all such City elections except when changed by this Charter or by ordinance of the Council.

Section 9. NOMINATIONS. Nominations of candidates for all elective offices shall be made by filing with the City Clerk, on forms prepared by him, at least thirty days before a primary election a petition stating the name of the candidate, his residence, the office for which he seeks nomination, the term for which he is running, occupation, years of residence in the City, previous public positions held in this City or elsewhere, and a written acceptance of nomination by the candidate. The petition of a candidate for the office of

Councilman shall also state the years of residence in the district from which he seeks nomination. The information hereinabove required shall appear at the head of each petition of nomination, followed by the signature and legal residence of each petitioner written in ink or indelible pencil, and there shall be attached to each petition an affidavit of the person in charge of the petition that each signature has been made in his presence and, to the best of the belief of the affiant, is the genuine signature of the person whose name it purports to be.

Nominating petitions for elective officers other than Councilmen shall be signed by at least 300 qualified electors of the City. The petition of a candidate for the office of Councilman shall be signed by at least 200 qualified electors residing in the district from which the candidate seeks nomination, and names of electors not residing in such district shall not be counted. No person shall sign petitions of nomination for elective officers for a greater number of candidates than are to be elected. No petition of nomination shall be valid unless it conforms to the provisions of this Charter, and no name of any candidate shall be placed on the ballot at the primary election unless the nominating petition of such candidate shall conform substantially to the provisions of this section.

The City Clerk shall be allowed ten days after filing to examine and verify the signatures and other requirements of sufficiency. If the petition of nomination is found to be sufficient and in proper form, the City Clerk shall immediately so certify and place the name or names of candidates therein on the primary ballot in alphabetical order under the proper designation as to office, and cause to be published at least once in the official newspaper, the names of all offices to be filled and the names of candidates as they are to appear on the primary ballot. An insufficient petition may be returned to the person filing the same for additional signatures and the person named as nominee in the petition shall be notified immediately of the insufficiency. A supplementary petition may be presented as provided in the original petition, if such can be filed before the time of closing the nominations.

The City Clerk shall cause sample ballots and instructions to voters to be mailed to the registered electors entitled to vote at each municipal election.

Section 10. ELECTIONS. The regular municipal primary election shall be held on the fourth Tuesday in March in each odd numbered year and the regular municipal election shall be held on the fourth Tuesday in April of the same year, or, if either of these days fall on a legal holiday, then the election shall be held on the succeeding day. All other municipal elections which may be held under this Charter shall be known as special municipal elections.

The ballots for all municipal elections including the primary election, shall conform to the requirements of the general law of the State in all respects. All ballots shall contain the names of all candidates arranged in alphabetical order. The names of the candidates for the Council shall also be arranged by the number of the district from which they have been petitioned, under the title of the office which they seek. At the right of each name shall appear a square, in which a cross (x) must be stamped designating the choice of that candidate. All elections including the primary, shall be held at the voting places designated by the Council and under such rules and regulations, not inconsistent with the election laws of the State, as the Council may determine by ordinance, except that the Council may consolidate the voting precincts pro-

vided for in general State elections in the City and give notice of such consolidation in the ordinance calling the election.

At the regular municipal primary election there shall be chosen by the electors of each Council District two (2) candidates for the office of any Councilman from a district whose term expires the succeeding May, and there shall be chosen by all the electors of the City not more than twice the number of candidates necessary to fill any office of any other officer whose term expires the succeeding May.

At the regular municipal election which shall be held on the fourth Tuesday in April in the odd numbered years, the electors of the whole City shall select from among the candidates chosen at the primary election in each district one candidate for the office of the Councilman whose term expires the succeeding May, and there shall be chosen by all the electors of the whole City from among the candidates chosen at the primary election one candidate to succeed any other elective officer whose term expires in May succeeding the election. The candidate receiving the highest number of votes for the office for which he was nominated at the primary election shall be declared elected.

The election returns, including primary election returns, for each municipal election precinct shall be filed immediately after counting with the City Clerk who shall place them in safe custody until the canvass by the Council. The Council shall meet on the second day next succeeding the date of each and every municipal election, including the primary election, and canvass the returns. The results of the canvass shall be immediately made public.

After the result of an election for any office is declared, or when an appointment is made, the City Clerk, under his hand and official seal shall issue a certificate therefor and shall deliver the same immediately to the person elected or appointed, and such person must within ten days after receiving such certificate, file his official bond, if one be required for his office, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the City Clerk.

The Council in office at the time this Charter is approved by the legislature, shall provide for holding the first election of officers under this charter, shall canvass the votes, declare the results, and approve the bonds of all officers elected at such election.

ARTICLE III LEGISLATIVE POWER

Section 11. **LEGISLATIVE POWER.** All legislative powers of the City shall be vested, subject to the terms of this Charter and of the Constitution of the State of California, in the Council, except such legislative powers as are reserved to the people by the Charter and the Constitution of the State.

Section 12. **THE COUNCIL.** The Council shall be composed of seven (7) Councilmen, including the Mayor, and shall be the legislative body of the City, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it.

Councilmen, including the Mayor, shall be elected at a general municipal election held in the odd numbered years and, except as herein after provided, shall hold office for the term of four years from and after the first Monday after the first day of May next succeeding their election and until their successors are elected and qualified.

At the first election held after this Charter takes effect there shall be elected a Mayor, whose term of office shall expire May 6, 1935, and one Councilman from each of the six (6) Districts as provided in ARTICLE II of this Charter. At the first meeting of the Council held for organization under this Charter, the Councilmen elected from the six Districts shall draw lots to determine which three (3) Councilmen shall retire on May 6, 1935, and which three (3) Councilmen shall retire on May 8, 1933. Thereafter there shall be elected at each general municipal election according as their respective terms of office expire either four Councilmen, including the Mayor, or three Councilmen.

Any vacancy occurring in the Council shall be filled from the District in which the vacancy occurs by appointment by the remaining Councilmen; but in the event that said remaining Councilmen fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause an election to be held to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

In case a member of the Council is absent from the City for a period of forty (40) days, unless by permission of the Council, his office shall be declared vacant by the Council and the same filled as in the case of other vacancies.

Each Councilman shall receive as compensation the sum of \$3000.00 per year, payable in monthly installments. The compensation or salary of each Councilman may be changed at any time by a majority vote of the qualified electors of the City at either a special or general municipal election; provided, however, that the salary of a Councilman shall not be increased during the term of office for which he was elected.

No Councilman shall be eligible during the term for which he was appointed or elected to hold any other office or employment with the City, except as Mayor and a member of any Board, Commission or Committee thereof, of which he is constituted such a member by general law or by this Charter.

Section 13. MEETINGS OF THE COUNCIL. The Council shall provide by ordinance for the time and place of holding its meetings; provided, however, that there shall be at least one regular meeting in each week. Any regular meeting may be adjourned to a date and hour certain, and such adjourned meeting shall be a regular meeting for all purposes. All legislative sessions of the Council, whether regular or special shall be open to the public.

All legislative action shall be by ordinance except where otherwise required by the Constitution or laws of the State of California. The Council shall keep a journal of its proceedings which shall be a public record. On the passage of every ordinance the vote shall be taken by yeas and nays and entered upon the journal and no ordinance shall be passed without the concurrence of a majority of the members elected to the Council. The proceedings of the Council shall be public and citizens shall have a reasonable opportunity to be heard. The first meeting of the Council shall be held at ten o'clock A. M. on the first Monday after the first day in May following its election.

All subsequent meetings shall be held pursuant to adjournment, or in accordance with a rule adopted by the Council which may be amended at any time. Special meetings shall be held on the call of the Mayor or on the written request of any three Councilmen, upon twelve hours' notice to each member, to be served personally by written notice; provided, however

that such notice may be waived by the written consent of all the Councilmen.

Section 14. COUNCIL RULES. The Council shall be the judge of the election and qualification of its members, and in such cases, shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers; but the decision of the Council in any such case shall be subject to review by the courts. The Council shall determine its own rules and order of business. It shall have power to compel the attendance of absent members, and may punish its members for disorderly behavior after notification of the charge and opportunity to be heard in defense.

Section 15. QUORUM. A majority of the members elected to the Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. Except as otherwise provided herein the affirmative vote of a majority of the members elected to the Council shall be necessary to adopt any ordinance, resolution, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or in which his own personal interests are involved.

Section 16. INTRODUCTION AND PASSAGE OF ORDINANCES AND RESOLUTIONS. Ordinances shall be introduced in the Council only in written or printed form. All ordinances, except the annual ordinances making appropriations and ordinances codifying or re-arranging existing ordinances, shall be confined to one subject, and the subject, or subjects, of all ordinances shall be clearly expressed in the title. No ordinance shall be passed until it has been read on two separate calendar days of the Council, unless the requirements of the reading of it on two separate calendar days be dispensed with by a vote of not less than five members of the Council. The final reading of each ordinance shall be in full unless a written or printed copy thereof shall have been furnished to each member of the Council prior to such reading. The yeas and nays shall be taken upon the passage of all ordinances and entered upon the journal of the proceedings of the Council. The yeas and nays shall be taken and entered upon the passage of all resolutions receiving a split vote, or upon the request of two or more members of the Council. The enacting clause of ordinances passed by the Council shall be, "Be it ordained by the Council of The City of San Diego." The enacting clause of ordinances submitted by the initiative shall be "Be it ordained by the people of The City of San Diego."

Section 17. WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT.—EMERGENCY MEASURES. Ordinances making the annual tax levy and the annual appropriation ordinances, and emergency measures, shall take effect at the time indicated therein. All other ordinances passed by the Council shall take effect at the time indicated therein, but not less than thirty days from the date of their passage. Ordinances adopted by vote of the electors shall take effect at the time indicated therein, or, if no time be specified, then thirty days after their adoption. An emergency measure is an ordinance to provide for the immediate preservation of the public peace, property, health, or safety, in which the emergency claimed is set forth and defined in the preamble thereto. The affirmative vote of at least five members of the Council shall be required to pass any ordinance as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared an emergency

by the Council except as defined in this section, and it is the intention of this Charter that compliance with such definition shall be strictly construed by the courts.

Resolutions shall become effective immediately upon their passage, unless otherwise stated therein.

Section 18. AUTHENTICATION AND PUBLICATION OF ORDINANCES AND RESOLUTIONS. Upon its final passage each ordinance or resolution shall be authenticated by the signatures of the Mayor and the City Clerk and shall be recorded in a book kept for that purpose. Within ten days after final passage each ordinance or resolution of a general nature shall be published at least once in such manner as may be provided by this Charter or by ordinance.

Section 19. EFFECT OF OTHER ORDINANCES. All ordinances and resolutions in force at the time this Charter takes effect, not inconsistent with its provisions, shall continue in force until amended or repealed.

Section 20. PUBLICATION OF ORDINANCES IN BOOK FORM. The Council shall, at least once in two years, cause to be printed and published in book form all ordinances of the City of a general nature in force at the time of such publication. The title page of such book shall contain the words, "Published by authority of the Council of The City of San Diego," and when so published all ordinances therein contained shall be received in all Courts as prima facie evidence of the due passage and publication of such ordinances, without further proof.

Section 21. COURTS. The Council shall provide suitable buildings, rooms or accommodations for all police, city justice or municipal courts, for the convenient transaction of business and provide seals therefor if required by law.

Section 22. INTERFERENCE BY INDIVIDUAL MEMBERS OF COUNCIL WITH ADMINISTRATIVE SERVICE PROHIBITED.

(a) No member of the Council shall directly or indirectly by suggestion or otherwise attempt to influence or coerce the City Manager or other officer appointed or confirmed by the Council in the making of any appointment to, or removal from, any city office or employment, or the purchase of any supplies, or discuss directly or indirectly with any candidate for City Manager the matter of appointments to City Offices or employment, or attempt to exact any promises from such candidate relative to any such appointments.

(b) Except for the purpose of inquiry, the Council and its members shall deal with that part of the administrative service for which the City Manager is responsible solely through the City Manager and not through his subordinates.

(c) A violation of the provisions of this section by any member of the Council shall constitute a misdemeanor for which the offending member may be removed from office by the Council or for which the offending member may be tried by any court of competent jurisdiction and if found guilty the sentence imposed shall include removal from office.

Section 23. INITIATIVE AND REFERENDUM AND RECALL. The right to recall municipal officers and the powers of the initiative and referendum on all questions which the Council is authorized to control by legislative action are hereby reserved to the people of the City; such powers shall be exercised in the manner provided by the Constitution and general laws of the State of California. Ordinances may be initiated, or the Referendum exercised on ordinances passed by the Council, and any elective official may be recalled from office,

under the provisions of the Constitution and the general laws of the State, provided that the number of signatures necessary to initiate an ordinance for the consideration of the Council shall be five percent of the entire vote cast in the City at the last preceding election for the office of governor; that for the direct submission of a measure to the people it shall require a petition signed by fifteen percent of the entire vote cast in the City at the last preceding election for the office of governor; that for a referendum upon an ordinance passed by the Council it shall require a petition signed by seven percent of the entire vote cast in the City at the last preceding election for the office of governor; and that for the recall of an elected officer it shall require a petition signed by twenty-five percent of the entire vote cast in the City at the last preceding election for the office of governor. Petitions for the Initiative, Referendum, or Recall shall be on forms prescribed by an ordinance of the Council and shall state in full the ordinance to be initiated or referred or the officer to be recalled with reasons for such recall. This statement shall appear at the head of each petition, followed by the signature and legal residence of each petitioner written in ink or indelible pencil, and by the affidavit of the person in charge of the petitions that the signatures have all been made in his presence by the persons whose names they purport to be, and are legal signatures to the best of his belief. The City Clerk shall pass on the number and legality of the signatures attached to each petition and shall give notice of the sufficiency or insufficiency of signatures on each petition. Supplementary petitions or additional signatures may be presented in the form and procedure provided above.

ARTICLE IV.

Section 24. **MAYOR.** The Mayor shall preside at the meetings of the Council and perform such other duties as may be prescribed by this Charter or as may be imposed by the Council, consistent with the duties of his office. He shall have no power of veto, but shall have a vote as a member of the Council. He shall be recognized as the official head of the City for all ceremonial purposes, by the Courts for the purpose of serving civil process, for the signing of all legal instruments and documents, and by the Governor for military purposes. In time of public danger or emergency, he may, with the consent of the Council, take command of the police, maintain order and enforce the law.

The Mayor shall receive as compensation the sum of \$5000.00 per year, payable monthly. The Mayor shall also receive each year for entertainment purposes a sum not to exceed \$1500.00.

In the event of a vacancy occurring in the office of the Mayor, existing by reason of any cause, the Council shall have authority to fill such vacancy, provided however, that if the Council shall fail to fill such vacancy by appointment within thirty (30) days after the vacancy, the Council must immediately cause an election to be held to fill such vacancy. Any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

Section 25. **VICE-MAYOR.** The Council shall annually in the month of May select one of its members who shall be the Vice-Mayor. The Vice-Mayor shall perform all the duties of the Mayor as prescribed by this Charter or by ordinance when the Mayor is absent or unable to perform his duties.

ARTICLE V. EXECUTIVE AND ADMINISTRATIVE SERVICE

Section 26. **ADMINISTRATIVE CODE.** The existing Departments, Divisions and Boards and existing Offices of the City Government are hereby continued unless changed by the provisions of this Charter or by ordinance of the Council. The Council shall by ordinance, by majority vote, adopt an administrative code providing for the detailed powers and duties of the administrative offices and departments of the City Government, based upon the provisions of this Charter. Thereafter, except as established by the provisions of this Charter, the Council may change, abolish, combine, and rearrange the departments, divisions and boards of the City Government provided for in said administrative code, but such ordinance creating, combining, abolishing or decreasing the powers of any department, division or board shall require a vote of five (5) of the members of the Council. The Council may by ordinance, if authorized so to do by the general law of the State, provide that any function of the City may be performed by the County officer in charge of that respective function for the County or for the establishment of a combined City and County district for the performance of any function.

Section 27. **THE CITY MANAGER.** The Council shall elect a Manager within sixty (60) days from the first meeting in May, under this Charter, who shall be the chief executive and administrative officer of the City. The Manager shall be chosen by the Council solely on the basis of his proven executive and administrative qualifications. The Manager need not, when elected, be a resident of the City or State, but must be a citizen of the United States. He shall, upon his election, immediately become a resident of the City. No member of the Council shall, during the time for which he was elected, or for one (1) year thereafter, be eligible to hold the position of Manager. The Manager shall be elected for an indefinite term, but may be removed at the pleasure of the Council. Before the Manager may be removed he shall, if he so demand, be given a written statement of the reasons alleged for his removal and the right to be heard publicly thereon at a meeting of the Council prior to the final vote on the question of his removal, but pending and during such hearing the Council may suspend him from office. At least two weeks shall be given the Manager between notice and hearing for the preparation of his answer to the reasons for removal. The action of the Council in suspending or removing the Manager shall be final and conclusive on everyone, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the Council. He shall receive a salary to be fixed in the annual appropriation ordinance. The salary set in the appropriation ordinance shall not be reduced while the Manager holds office, but may be subject to increase by the Council at its discretion. The Manager shall designate one of his subordinates as Assistant Manager, who shall serve as Manager in case of the absence or disability of the Manager.

In the event of a vacancy in the office of City Manager, the Council shall fill the same within sixty (60) days after the vacancy occurs.

Section 28. **DUTIES OF THE MANAGER.** It shall be the duty of the Manager to supervise the administration of the affairs of the City except as otherwise specifically provided in this Charter; to make such recommendation to the Council concerning the affairs of the City as may seem to him desirable; to keep the Council advised of the financial condition and future needs of the

City; to prepare and submit to the Council the annual budget estimate and such reports as may be required by that body, including an annual report of all the Departments of the City; to see that the ordinances of the City and the laws of the State are enforced; and to perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of the Council. Except as otherwise provided in this Charter, all other executive and administrative powers conferred by the laws of the State upon any municipal official shall be exercised by the Manager or persons designated by him. He shall assume the position of Director of any Department under his control for which a Director has not been appointed. The Commissions, Directors, or heads of the administrative Departments under the Manager shall be immediately responsible to him for the efficient administration of their respective Departments. The Manager may set aside any action taken by a Director or Department subordinate responsible to him, and may supercede him in authority in the functions of his office or employment. Where no provision has been made by ordinance authorizing a subordinate official to act as departmental head in case of a vacancy, the Manager may designate an interim acting head or perform personally the functions of the office. The Manager, as Chief Budget Officer of the City, shall be responsible for planning the activities of the City government and for adjusting such activities to the finances available. To this end he shall prepare annually a complete financial plan for the ensuing year and shall be responsible for the administration of such a plan when adopted by the Council. He shall be charged with the bringing together of estimates covering the financial needs of the city, with the checking of these estimates against the information relative to past expenditures and income, with the preparation of the budget document and supporting schedules and with the presentation of the budget to the Council. He shall have the power, with the approval of the Council, to employ experts, or consultants to perform work or give advice connected with the Departments of the City when such work or advice is necessary in connection therewith. The Council shall provide sufficient funds in the annual appropriation ordinance or by supplemental appropriation ordinances for such purposes and shall charge such additional services against the appropriation of the respective Departments.

The Manager shall execute all contracts for the Departments under his control. He shall approve all requisitions and vouchers for said Departments in person or through such assistance as he may designate for the purpose.

The Manager may prescribe such general rules and regulations as he may deem necessary or expedient for the general conduct of the administrative Departments. The Commission or Director of each Department shall in like manner prescribe such rules and regulations as may be deemed necessary and expedient for the proper conduct of each Department, not inconsistent with the general rules and regulations prescribed by the Manager.

In order to expedite the work of any Department or to adequately administer an increase in the duties which may devolve on any Department or to cope with periodic or seasonal changes, the Manager, subject to Civil Service regulations, is empowered to transfer employees temporarily from one Department to perform similar duties in another Department. Likewise each Department head shall have power to transfer employees from one Division to another within his Department.

The Manager may direct any Department or Division, to perform work for any other Department or Division. Such powers to transfer employees or to

direct the performance of work shall not apply to the Police or Fire Departments.

The Manager shall prepare and present to the Council an annual report of the City's affairs.

In case of general conflagration, rioting, flood, or other emergency menacing life and property, the Manager shall marshal all the forces of the different Departments of the City for the maintenance of the general security, and shall have the power to deputize or otherwise employ such other persons as he may consider necessary for the purpose of protecting the City and its residents. The Council may, however, in any such emergencies authorize the Mayor to take command of the police, maintain order and enforce the law.

And in such authorized emergencies the Manager shall be subordinate to and shall carry out such duties as may be assigned to him by the Mayor.

Section 29. RESPONSIBILITY OF MANAGER—POWERS OF APPOINTMENT AND REMOVAL. The Manager shall be responsible to the Council for the proper administration of all affairs of the City placed in his charge, and to that end, subject to the Civil Service provisions of this Charter and except as otherwise provided herein, he shall have the power to appoint and remove all officers and employees in the administrative service of the City under his control; but the Manager may authorize the head of a Department or officer responsible to him to appoint and remove subordinates in such Department or office. Appointments made by, or under the authority of, the Manager, shall be on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term unless for temporary service not to exceed sixty days. No person directly related to the City Manager by blood or marriage shall be eligible for employment unless such relative was in the employ of the City at the time of the appointment of the City Manager.

Section 30. REMOVAL OF OFFICERS AND EMPLOYEES. All officers and employees in the classified service of the City who are appointed by the Manager or under his authorization may be removed by him or by the officer by whom appointed at any time in accordance with the provisions of this Charter, as contained in Section 129 of ARTICLE VIII, relating to Civil Service.

Officers and employees in the unclassified service appointed by the Manager may be removed by him at any time and, in the case of appointees in the unclassified service, the order of the Manager affecting said removal shall be final and conclusive. Any appointee or employee in the unclassified service so removed by the Manager may, however, within five (5) days after receipt of a Notice of Dismissal, demand a written statement of the reasons therefor. Thereupon it shall be the duty of the Manager to forthwith deliver to the dismissed employee a written statement of the reason for such dismissal, a copy of which statement shall be forthwith filed with the Civil Service Commission or with the Council as hereinafter provided. Upon receipt of such written statement so furnished by the Manager, the Commission or Council shall fix a time and place for a public hearing, at which hearing the Civil Service Commission or the Council, as the case may be, shall have authority to investigate the facts set forth in said written communication from the Manager containing the reasons for said dismissal, and determine the truth or falsity of said facts; the Commission or Council shall report its findings and recommendations made as a result of such hearing, and cause a copy of such findings and recommendations to be delivered to the Manager and file the original with the City Clerk.

The dismissed appointee or employee in such cases shall have the right to file with the Civil Service Commission or Council, as the case may be, a written reply or answer to any charges so filed by the Manager. All written documents, including the Manager's written reasons for such dismissal, the written order of dismissal, and the reply of the dismissed appointee or employee, the findings and decisions of the Commission or Council, and any documentary evidence used at the hearing shall be filed with the proper officer of the City as public records, open for inspection at any time. Nothing herein contained, however, shall be construed as in any way limiting the authority and power of the Manager to remove any appointee or employee in the unclassified service of the City, appointed or employed by him, and all such removals shall be final and conclusive.

In the case of removal by the Manager of the Chief of Police, the Chief of the Fire Department, the City Treasurer, or any official whose appointment is confirmed by the Council, all hearings involving the investigation of the reasons for the removal of such officer shall be conducted by the City Council, and in all other cases the hearings shall be conducted by the Civil Service Commission. In the event of a hearing before the Council, the City Clerk shall act as Clerk for such investigation, and in the event of a hearing before the Civil Service Commission, the Personnel Director shall act as the Clerk at such hearing. All such hearings shall be stenographically recorded and a full record of such hearing kept by the Clerk of the hearing.

Section 31. CITY EMPLOYEES OUT OF POLITICS. Neither the City Manager nor any person in the employ of the City, other than elective officers, shall take any active part in any municipal campaign, or in securing or in contributing or soliciting the contribution of money toward the nomination or election of any candidate for municipal office. Any person found guilty of violation of this Section of the Charter shall immediately forfeit his office or employment. The personnel director is charged with the enforcement of this provision and the decision of the Civil Service Commission or Council in any case arising thereunder shall be final and conclusive.

Section 32. RIGHT OF MANAGER AND OTHER OFFICERS IN COUNCIL. The Manager and such other officers of the City as may be designated by a vote of the Council may attend all meetings of the Council but shall have no vote therein. The Manager or other officer so selected shall have the right to take part in discussions or matters properly before the Council relating to his office or may participate in discussions in such Council meetings when requested so to do by a member of the Council or a committee thereof.

Section 33. MANAGER'S CONTROL DEPARTMENT. The Manager shall appoint a Budget Officer, a Purchasing Agent and a City Engineer. He may at his discretion combine any or all of these offices in one or more persons or may exercise the duties of one or more of these officers himself. Each of these officers shall serve during the pleasure of the Manager and shall receive for their services such compensation as is fixed in the Annual Appropriation Ordinance.

The Manager's Department shall consist of such subordinate officers and employees as shall be authorized by ordinance.

Section 34. BUDGET OFFICER. The Budget Officer shall assist the Manager in the preparation of the annual budget and in all matters connected with the expenditures of the appropriations provided in the annual appropriation ordinance. He shall co-operate with the Auditor and Comptroller, and

Purchasing Agent in the financial affairs of the City and shall have power to investigate and report on the operation and methods of all Departments of the City. He shall investigate the efficiency of each activity of the Departments and report to the Manager his findings and recommendations thereon. He shall perform such other functions connected with the financial affairs of the City as the Manager or the Council by ordinance may direct.

Section 35. PURCHASING AGENT. The Purchasing Agent shall make all purchases of supplies, materials, equipment, and insurance required by the various Departments or offices of the City, except as may be otherwise provided by the Council or this Charter. He shall prepare in consultation with the administrative officers of the City, standard specifications, for all supplies, materials, equipment, and insurance necessary for use by the various Departments or offices of the City.

Before making any purchase or sale, the Purchasing Agent shall give opportunity for competition under such rules and regulations, and with such exceptions, as the Council may by ordinance provide. The Council shall have power to provide under such rules and regulations that any used, obsolete or depreciated personal property belonging to the City may be sold, exchanged or otherwise disposed of to the best advantage of the City without competitive bidding. Supplies shall be furnished upon requisition either from the stores under the control of the Purchasing Agent or by purchase and whenever so furnished, shall be paid for by the Department or office furnished therewith. It shall be his duty to inspect or cause to be inspected all purchases, and reject any of those which are not up to said standard specifications, and he shall not approve any bid or voucher for articles which are not in conformity with specifications, or which are at variance with any contract. The Purchasing Agent shall not furnish supplies to any Department or office unless there be to the credit thereof an available unencumbered balance sufficient to pay for such supplies.

Materials, supplies or equipment not needed by a Department or office, but necessary to another Department or office, may be transferred by the Purchasing Agent and a proper record made of the transaction. He shall have charge of such storerooms and warehouses of the City as the Manager may provide or the Council by ordinance may authorize. The Council may, upon recommendation of the Manager, authorize the Purchasing Agent to purchase materials, supplies, or equipment in common use by the Departments and offices in large quantities and store the same until requisitioned by the Departments or offices for use. The Council shall provide a sufficient revolving fund in the annual appropriation ordinance of an adequate amount for the purpose of creating a store's account and stock for future supply of the Departments and offices when needed.

The Purchasing Agent shall prepare a perpetual inventory account of all materials, supplies, equipment, insurance and other purchases, and include thereon a list of all real and personal property belonging to the City, and may require the Departments to furnish him with an Inventory of all personal property on hand at the beginning of the budget year or at the end of the fiscal year; he shall file the original of such inventory account with the City Clerk and deliver a copy to the Auditor and Comptroller, and retain a copy for his office; once each year, or more often if required by the Auditor and Comptroller or upon demand of the Council, said Purchasing Agent shall amend and revise said inventory account so as to keep said inventory account up to date.

He shall keep a record of all sources of supply, of all quotations received, of all awards made, of all inspections, of all requisitions filed, and of all vendors furnishing commodities to the City. He shall perform such other duties as may be prescribed by general law or ordinance or by the Manager.

Section 36. CITY ENGINEER. The Manager shall appoint a City Engineer who shall be a registered civil engineer of the State of California, and of not less than five years' experience as a civil engineer. He shall perform the duties imposed upon City Engineers by general law, this Charter, or ordinances of the Council together with such other duties relating to his office as may be required of him by the City Manager. He shall have such subordinate officers and employees as shall be authorized by ordinance. Neither the City Engineer nor his subordinates shall do any private engineering work while they are employed by the City.

It shall be the duty of the City Engineer, subject to the approval of the City Manager, to furnish any Department of the City such service, labor and materials as may be requisitioned by the head of such Department. The expense of such service, labor and materials shall be charged to the Department so furnished at actual cost.

He shall possess the same power in the City in making surveys, plats and certificates as is given by law to City Engineers and County Surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity given by law to those of City Engineers or County Surveyors. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control shall be the property of the City.

He shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the City, pertaining to his office and the work thereof, and he shall keep complete statistical records covering the investigation, design, construction, maintenance and operation of all municipal works done under the direction of his office, all of which he shall keep in proper order and condition, with full indexes thereof, and shall turn the same over to his successor, who shall give him duplicate receipts therefor, one of which he shall file with the Auditor and Comptroller. No maps or specifications for public work for the improvement of streets or for the subdivision of property shall be accepted until they have been filed with and approved by the City Engineer. Such maps and specifications shall then become the property of the City.

Section 37. PERSONNEL DIRECTOR. The Personnel Director shall be appointed by the Civil Service Commission and shall have all powers and perform all duties prescribed for such Personnel Director in Section 116 of Article VIII. In addition thereto he shall exercise general supervision over the employment policy of the City, subject to the Civil Service provisions of this Charter and the directions of the Civil Service Commission. He shall keep a record of the personnel conditions in the City service and shall, upon the request of the Manager or of the Civil Service Commission, or on his own initiative, investigate problems relating to the securing of a better class of applicants for positions, and to the maintenance of efficiency among City Employees, and to any and all other matters relating to his department as may properly come before him.

The Personnel Director, with the approval of the Civil Service Commission and the Manager shall have jurisdiction to investigate working conditions of

City service as they effect the health, welfare, efficiency, service and esprit de corps of the employees. He shall be accessible to any employee who shall desire to complain of any matter incident to his employment.

Section 38. **CITY CLERK.** The City Clerk shall be elected by the Council for an indefinite term and shall serve until his successor has been elected and qualified. His duties shall be to keep the corporate seal, books, papers, records and other documents belonging to the City, including the custody of the official bonds of City officers, and employees, except his own, which shall be in the custody of the Treasurer, and all deeds, title papers, mortgages, contracts, judgments, notes, insurance policies and debts, and any and all other records, the custody of which is not provided for in this Charter; to attend all meetings of the Council and keep a journal of its proceedings, all its ordinances and resolutions and perform such other duties relating to his office as the Council and this Charter shall direct. He shall have power to take affidavits, and administer oaths in all matters relating to the business of the City, and shall make no charge therefor. He shall have power to appoint, pursuant to the Civil Service provisions of this Charter, such deputies as are provided by law, who shall, under his direction, have the same powers and perform the same duties as the City Clerk.

Section 39. **CITY AUDITOR AND COMPTROLLER.** The City Auditor and Comptroller shall be elected by the Council for an indefinite term and shall serve until his successor is elected and qualified. The City Auditor and Comptroller shall be the chief fiscal officer of the City. He shall exercise supervision over all accounts, and accounts shall be kept showing the financial transactions of all Departments of the City upon forms prescribed by him and approved by the City Manager and the Council. He shall submit to the City Manager and to the Council not later than the tenth day of each month a summary statement of revenues and expenses for the preceding month, detailed as to appropriations and funds in such manner as to show the exact financial condition of the City and of each Department, Division and office thereof. No contract, agreement, or other obligation for the expenditure of public funds shall be entered into by any officer of the City and no such contract shall be valid unless the Auditor and Comptroller shall certify in writing that there has been made an appropriation to cover the expenditure and that there remains a sufficient balance to meet the demand thereof. He shall perform the duties imposed upon City Auditors and Comptrollers by the laws of the State of California, and such other duties as may be imposed upon him by ordinances of the Council, but nothing shall prevent the Council from transferring to other officers matters in charge of the City Auditor and Comptroller which do not relate directly to the finances of the City. He shall prepare and submit to the City Manager such information as shall be required by the City Manager for the preparation of an annual budget. He shall appoint his subordinates subject to the Civil Service provisions of this Charter.

Section 40. **CITY ATTORNEY.** A City Attorney shall be elected by the people for a term of four years. The City Attorney shall be the chief legal advisor of, and attorney for the City and all Departments and offices thereof in matters relating to their official powers and duties. The Attorney and his deputies shall devote their full time to the duties of the office and shall not engage in private legal practice during the term for which they are employed by the City, except to carry to a conclusion any matters for which they have been retained prior to taking office.

The City Attorney shall appoint such deputies, assistants, and employees to serve him, as may be provided by ordinance of the Council, but all appointments of subordinates other than deputies and assistants shall be subject to the Civil Service provisions of this Charter.

It shall be his duty, either personally or by such assistants as he may designate, to perform all services incident to the legal department; to give advice in writing, when so requested, to the Council, its Committees, the Manager, the Commissions, or Directors of any Department, but all such advice shall be in writing with the citation of authorities in support of the conclusions expressed in said written opinions; to prosecute or defend, as the case may be, all suits or cases to which the City may be a party; to prosecute for all offenses against the ordinances of the City and for such offenses against the laws of the State as may be required of him by law; to prepare in writing all ordinances, resolutions, contracts, bonds, or other instruments in which the City is concerned, and to endorse on each his approval of the form or correctness thereof; to preserve in his office a docket of all cases in which the City is interested in any of the courts and keep a record of all proceedings of said cases; to preserve in his office copies of all written opinions furnished by him to the Council, Manager, Commission, or any officer. Such docket, copies and papers shall be the property of the City and the City Attorney shall, on retiring from office, deliver the same, together with all books, accounts, vouchers, and necessary information, to his successor in office.

He shall have charge and custody of all legal papers, books, and dockets belonging to the City pertaining to his office and, upon a receipt therefor, may demand and receive from any officer of the City any book, paper, document, or evidence necessary to be used in any suit, or required for the purpose of his office.

He shall apply, upon order of the Council, in the name of the City, to a court of competent jurisdiction for an order of injunction to restrain the misapplication of funds of the City or the abuse of corporate powers, or the execution or performance of any contract made in behalf of the City which may be in contravention of the law or ordinances governing it, or which was procured by fraud or corruption. He shall apply, upon order of the Council, to a court of competent jurisdiction for a writ of mandamus to compel the performance of duties of any officer or Commission which fails to perform any duty expressly enjoined by law or ordinance.

The City Attorney shall perform such other duties of a legal nature as the Council may by ordinance require or as are provided by the Constitution and general laws of the State.

The Council shall have authority to employ additional competent technical legal attorneys to investigate or prosecute matters connected with the Departments of the City when such assistance or advice is necessary in connection therewith. The Council shall provide sufficient funds in the annual appropriation ordinance for such purposes and shall charge such additional legal service against the appropriation of the respective Departments.

The City Attorney shall receive a salary of \$6,500.00 per year, payable monthly.

Section 41. COMMISSIONS. The Mayor shall appoint, subject to the confirmation of the Council, members of the Funds Commission and Civil Service Commission, which are hereby created.

(a) FUNDS COMMISSION. This Commission shall have supervision and

control over all trust, perpetuity, and investment funds of the City and such pension funds as shall be placed in its custody, and shall administer them subject to the laws of the State and ordinances of the Council. The membership of this Commission shall be appointed by the Mayor and confirmed by the Council and shall be one bank official, two unclassified citizens, and the City Attorney and City Treasurer, ex-officio. They shall serve without compensation for terms of four years and until their successors are elected and qualified.

(b) **CIVIL SERVICE COMMISSION.** This Commission shall have supervision over the selection, promotion and removal of all employees of the City subject to the Civil Service provisions of this Charter (Article VIII).

Section 42. CITY PLANNING COMMISSION. The City Planning Commission shall be organized as provided by the laws of the State and have such powers and perform such duties as are prescribed by such laws. Their duties shall also include advising upon public buildings, bridges, retaining walls, approaches, park and harbor structures, the improvement of Pueblo lands and such other improvements as the Council may by ordinance determine. The Manager shall appoint four members, one of whom shall be an architect of at least ten years' experience, and the Council shall elect three members, including one of their own members; the City Engineer, and the City Attorney shall be members ex-officio. The members of this Commission shall serve without compensation for terms of four years or until their successors are elected and appointed and qualified.

Section 43. ADVISORY COMMISSIONS. The Manager may appoint a Commission of any number of citizens qualified to act in an advisory capacity to the Head of any Department or Division under his supervision or control. The members of any such Commission shall serve without compensation and during the pleasure of the Manager, and it shall be their duty to consult and advise with the Director, or Chief, as the case may be, but not to direct the conduct of the Department or Division.

Section 44. DIRECTORS OF DEPARTMENTS. At the head of each Department under the City Manager there shall be a Director as specified herein who shall have supervision and control thereof. The Manager may act as the Director of any Department under his direction. Each Director shall have power to prescribe rules and regulations, not inconsistent with this Charter and the ordinances passed in pursuance thereof, for the conduct of the officers and employees of the Department of which he is in charge, for the distribution and transaction of its business, and for the custody of the books, papers, records, and property under its control. The work of each Department shall be distributed among the Divisions established by this Charter or as may be established by ordinance. There shall be a single officer in charge of each Division.

Section 45. CITY TREASURER. The Manager shall appoint a Treasurer subject to confirmation by a majority of the members of the Council. He shall perform duties imposed upon City Treasurers by general law, the City charter, or ordinances of the Council.

The office of the Treasurer shall consist of the Treasurer and such subordinate officers and employees as shall be authorized by ordinance.

The Treasurer shall receive, have the custody of, and disburse City moneys upon the warrant of the Auditor and Comptroller. He shall keep such books and records as are necessary for the recording of all receipts and expenditures, together with a record of money in City depositories. Every Department officer, or institution which receives money directly from the public, shall deposit

the same daily with the Treasurer, unless otherwise authorized by ordinance. The Treasurer shall demand and receive from the County Tax Collector moneys collected by him for use of the City. And it shall be the duty of such County official to deposit such money monthly with the City Treasurer.

The Treasurer shall determine pursuant to the general law of the state, the selection of depositories for City funds. All interest collected on City funds shall be accounted for monthly by the Treasurer.

Whenever any person is indebted to the City in any manner and the means of collection of such debt is not otherwise provided for by law or ordinance, the Treasurer shall be authorized to demand and receive the same. When any claim shall not be collectible by other methods, he shall report the same to the City Manager and the City Attorney for prosecution. When payment of a claim or any judgment thereon is made, he shall receive a receipt therefor in the name of the City.

The Treasurer shall issue notices for and collect special assessments previous to certification to the County Auditor, charges for permits for private use of public streets, and such other miscellaneous taxes, fees, assessments, licenses and privilege charges as may from time to time be assigned to him. He shall maintain a continuous inspection of the records and accounts of such taxes, licenses and privilege charges in order to effectuate their collection.

The Treasurer shall issue all permits and licenses except departmental permits and licenses which are by ordinance assigned to the particular Departments. Such permits and licenses shall be issued either directly by the Treasurer or upon specific authorization of the appropriate Department as may be required by ordinances, but all revenues derived therefrom shall be deposited with the Treasurer.

The Treasurer in office at the time this Charter is adopted by the people shall serve out the term of office for which he has been elected.

Section 46. DEPARTMENT OF PUBLIC WORKS. The Manager may appoint a Director of Public Works who shall perform the duties imposed upon this Department by general law, the City Charter, or ordinance of the Council. The Department of Public Works shall have charge of the Divisions of Streets, Sewers, Refuse Collection and Disposal, Public Buildings, Shops, Pueblo Lands and Unimproved City Property.

The Manager shall have the power to place any of the foregoing Divisions under the control and supervision of the City Engineer or any other Department under his control.

Section 47. DIVISION OF STREETS. The Division of Streets shall consist of the Street Superintendent and such subordinate officers and employees as shall be authorized by ordinance.

The Street Superintendent shall have charge of the construction, improvement, repair and maintenance of all public highways and rights of way for which the City shall be legally responsible.

Section 48. DIVISION OF SEWERS. The Division of Sewers shall consist of the Superintendent of Sewers and such subordinate officers and employees as shall be authorized by ordinance. The Superintendent of Sewers shall have charge of the construction, improvement, repair and maintenance of a public sewer system for The City of San Diego and the inhabitants thereof, and he is hereby authorized to do any and all things necessary or incidental to said construction, improvement, repair and maintenance of such public sewer system.

Section 49. DIVISION OF REFUSE COLLECTION AND DISPOSAL. The

Division of Refuse Collection and Disposal shall consist of a Superintendent and such subordinate officers and employees as shall be authorized by ordinance.

The Superintendent shall be charged with the keeping of all City owned beaches, streets, highways, alleys and catch basins in a clean and sanitary condition, and with the direction and control of the removal of street sweepings and other refuse and rubbish from the City owned beaches, streets and highways. He shall be responsible for the collection and disposal of garbage, ashes and refuse and for the supervision and administration of all contracts let by the City for such collection and disposal.

Section 50. DIVISION OF PUBLIC BUILDINGS. The Division of Public Buildings shall consist of a Superintendent and such subordinate officers and employees as shall be authorized by ordinance.

The Superintendent of Public Buildings shall have charge of the construction, alteration, maintenance and care of all public buildings belonging to the City and not specifically by ordinance allocated to another Department of the City for such construction, alteration, maintenance, and care. He shall perform such duties as may be designated by the Manager or the Director of Public Works and by ordinance of the Council.

Section 51. DIVISION OF SHOPS. The Division of Shops shall consist of a Superintendent of Shops and such subordinate officers and employees as shall be authorized by ordinance. The Superintendent of Shops shall have charge of manufacturing, storing and repairing of automotive equipment, machinery, tools and other implements and equipment used by the Department of Public Works, and of such other storage and repair of other city owned property as the Council shall by ordinance direct or the Manager authorize. All charges for the care of equipment shall be made against the proper department on forms prescribed by the Manager and Auditor and Comptroller.

Section 52. DIVISION OF PUEBLO LANDS AND UNIMPROVED CITY PROPERTY. The Division of Pueblo Lands and Unimproved City Property shall be under the Director of Public Works and under the direct supervision and control of such officer as he may direct.

Section 53. WATER DEPARTMENT. There shall be included in the administrative organization of the City a separate department to be known as the Water Department. The accounts and records of the Water Department shall be so set up and kept that it may be ascertained therefrom at all times the exact cost of water sold to the consumer. The Department shall consist of two divisions or bureaus, viz., the Division of Development and Conservation, and the Division of Distribution.

(a) The Manager shall appoint a competent hydraulic engineer, who shall have charge of the Division of Development and Conservation and of such subordinate officers and employees in said Division as shall be authorized by ordinance. This Division shall have charge of all matters and things connected with, incidental or necessary to the development and conservation of water, and also of the conveyance and delivery of water to the distributing system of the City and to such consumers as are authorized to receive water from the City along the line of its supply.

(b) The Manager shall appoint a Superintendent of Distribution in the Water Department and such subordinate officers and employees as may be authorized by ordinance. This Division shall have charge of the distributing system of the City both within and without the territorial boundaries of the

City, and of the actual distribution of water to the consumer, including the construction and maintenance of water mains, services and meters used in the distribution of water to the consumer. The Council shall from time to time establish a schedule of charges for water delivered by the City to the consumer, classified according to the purpose for which and the quantity of water used. Each such schedule shall be general in its application, and shall apply to all consumers. All Departments of the City using water from the distributing system shall pay for the same at the same rates as other consumers.

(c) Until such time as the Water Department is self-sustaining the Council must provide an adequate sum in the annual appropriation ordinance for the proper maintenance of the Department. In addition thereto, the Council shall levy annually a tax sufficient to provide a Sinking Fund for the redemption of municipal bonds heretofore or hereafter issued for water purposes, together with a sum sufficient to pay the interest thereon. The amount of money necessary to be raised each year for the redemption of water bonds and the payment of interest thereon and for the retirement of any other funded or contractual indebtedness incurred by purchase or otherwise for the development, conservation or distribution of water shall be charged annually against the Water Department on the accounts of the City. All revenue obtained by the City from the sale and distribution of water, except such revenue as has been heretofore appropriated by valid contract to another and specific purpose, shall be used exclusively for the maintenance and operation of the Water Department; provided, however, that no revenue as herein described shall be used for capital purposes in connection with the impounding and developing system located outside territorial limits of the City. All revenues, except such as have been heretofore appropriated by contract to some specific purpose, in excess of the amount necessary for the maintenance and operation of such Water Department shall be transferred monthly to the General Fund of the City and shall be available thereafter for use for any legal City Purposes, and all such surplus funds so transferred shall be credited on the accounts of the City as a reimbursement credit for the monies paid by the City each year for the redemption of water bonds and the payment of interest thereon. Such accounts shall be kept by the City Auditor and Comptroller until such water bonds have been actually redeemed.

(d) The Manager shall appoint an Advisory Commission of three citizens who have knowledge of water development problems, to advise with and formulate plans for future water development.

(e) The Council shall have power to employ special counsel for the purpose of advising and representing the City in all matters, proceedings and things relating to or concerning the development, impounding and distribution of water.

Section 54. HARBOR DEPARTMENT. (a) The Mayor, with the approval of the Council, shall appoint three electors of the City as members of the Harbor Commission, one to serve for two years, one for three years, and one for four years. Thereafter, members of the Harbor Commission shall be appointed to serve for four years and until their successors have been appointed and qualified. The members of the Harbor Commission in office at the time this Charter becomes effective shall remain in office until their successors are appointed and qualified. The Council may at any time by a vote of at least five (5) of their members remove from office any or all of said Harbor Commissioners. The members of the Harbor Commission shall serve without pay.

(b) The Harbor Commission is vested with jurisdiction and authority to

exercise in the name of The City of San Diego such powers as are prescribed by general laws now in force and hereafter enacted, together with such additional powers and duties as may be prescribed by ordinance, this Charter, or the laws of the United States. The Commission shall have jurisdiction, supervision, management and control of the Bay of San Diego fronting upon The City of San Diego and within the jurisdiction of said City, including all tide and submerged lands, whether filled or unfilled, situated below the line of mean high tide within the limits of said City, except, however, such tide and submerged lands which have heretofore or which hereafter may be transferred to the exclusive control of the United States and excepting further such other land as may by vote of the people or act of the State Legislature be transferred to a purpose and use inconsistent with commerce, navigation and fisheries.

(c) The Harbor Commission shall have power to adopt, with the approval of the Council by ordinance, such rules and regulations as may be necessary to exercise and carry out the powers and duties prescribed by this Charter for said Harbor Commission.

(d) The Harbor Commission, subject to the Civil Service provisions of this Charter, shall appoint a Port Director, together with such other officers, employees and subordinates as may be necessary in the judgment of said Harbor Commission to carry out the duties prescribed by this Charter for said Harbor Commission and for the promotion of commerce, navigation and fisheries. All such offices and employments shall be created by ordinance upon the direct recommendation of the Harbor Commission. The Harbor Commission shall also have authority and power to employ legal counsel whenever in the judgment of said Commission such employment is necessary.

(e) The Port Director shall be the chief administrative officer of the Harbor Commission, and he shall exercise such powers and perform such duties as may be prescribed by the Harbor Commission. In addition to any duties imposed by the Harbor Commission and this Charter the Port Director shall also perform such duties as may be imposed upon harbor masters, port directors and administrative heads of harbors and ports by State or Federal law.

(f) The Council shall appropriate each year until the year 1938 the sum of \$150,000.00 in the annual appropriation ordinance for the use of the Harbor Commission on harbor improvements. This sum so appropriated annually, together with such portions of the revenue and receipts of the Department as may not be needed for operating expenses, shall be placed in a trust fund in the City Treasury and expended by the Harbor Commission for capital purposes only in the development of the harbor and tide lands of the Bay of San Diego. When the harbor has been fully developed all such funds which are not necessary for the maintenance and operation of said Department shall be placed in the general fund of the City and thereafter used for any lawful purpose.

(g) The Harbor Commission shall have authority to lease tide lands for such terms and upon such conditions as may be authorized by law; provided, however, that no lease of any tide lands within the jurisdiction of the City for a term longer than one year shall be valid unless said lease shall have been confirmed by the Council.

(h) Any municipal air ports now established or which may hereafter be established on the tide lands shall be under the control and supervision of the Harbor Commission until such time as the Council by Ordinance shall create a Department of Aviation under the Manager, at which time the Council may

provide in such ordinance for the control, regulation and supervision of municipal air ports by the Department of Aviation.

(i) And all matters concerning the development of the harbor of San Diego in which the Planning Commission of The City of San Diego shall have an interest, and which relate to the planning and zoning of The City of San Diego shall be referred by the Harbor Commission to the Planning Commission for recommendation before final action is taken thereon. In the event of a disagreement between the Harbor Commission and the Planning Commission concerning such proposed development, the matter shall be referred to the Council, whose decision on such development shall be final.

Section 55. PARK DEPARTMENT. The Park Department shall consist of the Park Division, the Cemetery Division and the Street Trees Division.

The Manager shall appoint a Park Commission of three members whose powers shall be as prescribed in Section 43.

The Manager shall appoint a Park Director, who, in turn, shall appoint a Superintendent of Cemeteries, and a Superintendent of Street Trees.

The Park Director shall, subject to the advice of the Manager, supervise the administration of the affairs of the Cemetery and Street Trees Divisions and shall, in addition, be the executive officer and director of activities of the Park Division.

(a) The Park Department shall have the control and management of the parks, parkways, plazas, cemeteries and street trees of the City. The Council shall by ordinance adopt regulations for the proper use and protection of park property, and provide penalties for violations thereof.

The Manager is charged with the enforcement of such regulations.

All real property heretofore or hereafter designated or set aside for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or permitted in such manner as is prescribed by the laws of the State of California in such cases and until such changed use or purpose is first authorized or ratified by a vote of two-thirds of the qualified electors of the City voting at an election for that purpose. The Park Director shall have the power, with the approval or on the recommendation of the Manager, and when not inconsistent with the proper park development or use, to permit the use by the Playgrounds and Recreation Department of suitable and convenient areas in any of the parks in the City for playgrounds, recreation centers or recreation camps.

The Park Director shall have all other powers conferred upon Boards of Park Commissioners by general laws, but the people may by a two-thirds vote modify such laws so as to designate boulevards, streets and highways in the parks and parkways as part of the public street and road system of the City and give to the Manager supervision over the construction, repair and maintenance thereof.

(b) THE CEMETERY DIVISION shall, subject to the advice of the Park Director, be charged with the management, control, preservation, regulation, improvement and embellishment of all public burial grounds and cemeteries belonging to the City, and the sale of lots therein.

The net proceeds from the sale of such lots shall be deposited with the City Treasurer to be placed in the Cemetery Perpetuity Fund.

The Cemetery Perpetuity Fund shall be administered by the Funds Commission and shall be vested in such income producing securities as the Funds

Commission may decide; the principal of the Perpetuity Fund, (subject to such accretion or diminution as may result from investing the same) shall not be available for meeting expenses of maintenance or upkeep of any nature whatsoever, but the income derived from such investment shall be transferred to the control of the Cemetery Division to be expended in the maintenance and upkeep of the Cemeteries.

The Cemetery Division shall have the power to construct, maintain and operate crematories, chapels and such other adjuncts as properly pertain to cemeteries, in so far as available funds will permit.

(c) THE STREET TREES DIVISION shall, subject to the advice of the Park Director, have charge of the planting, maintaining, and removal of trees along the streets and boulevards of the City.

Section 56. BUREAU OF SAFETY. The Bureau of Safety shall consist of the Departments of Police, Fire and Inspection.

Section 57. POLICE DEPARTMENT. The Police Department shall consist of a Chief of Police and such other officers, members and employees as the Council may from time to time by ordinance prescribe.

All members of the Police Department at the time this Charter takes effect shall be retained and shall only be removed for cause as provided in Section 129 of Article VIII of this Charter.

The Chief of Police shall be appointed by the Manager and the appointment shall be confirmed by a majority of the Council, provided, however, that the Chief may be removed by the Manager at any time in the manner provided for in Section 30 of Article V of this Charter.

The Chief of Police, with the approval of the City Manager, shall direct and supervise the personnel, subject to Civil Service regulations, have charge of the property of the Department, and exercise all powers and duties provided by general laws or by ordinance of the Council.

The Chief of Police may appoint, subject to the approval of the Manager, an Assistant Chief of Police, a Chief of Detectives, and all members, officers and employees of the Police Department, subject to the Civil Service requirements of this Charter. During the absence or inability of the Chief of Police to perform the duties of his office the Assistant Chief of Police shall perform all the duties of the office of Chief of Police.

The Chief of the Police Department, with the approval of the Manager, may establish a training school and merit system for training and disciplining members of the Department. The rules and regulations of such system and all changes must be approved by the Council. After the establishment of the merit system all appointments to the Police Department shall be made in accordance with the Civil Service provisions of this Charter. But, after appointment members of the Police Department shall not be subject to Civil Service provisions of this Charter and promotions, demotions, suspensions and dismissals from the Police Department shall be made in accordance with fixed rules and regulations of a Merit System established by the Chief of the Police Department, and approved by ordinance of the Council; provided, however, that any member who has been dismissed, demoted or suspended, other than the Chief, may, within five days from the effective date of the order of such dismissal, demotion or suspension, appeal to the Civil Service Commission of the City, who, after proper notice, shall conduct a public hearing at which the Commission shall have power to determine the justice of such order of dismissal, demotion or suspension, and may affirm, modify or refuse such order. The action of said Com-

mission on such hearing shall be final and conclusive.

Section 58. FIRE DEPARTMENT. The Fire Department shall consist of a Chief of the Fire Department, an Assistant Chief of the Fire Department, and such battalion chiefs, captains, lieutenants, firemen, and other officers and employees as the Council may by ordinance prescribe. All members of the Fire Department at the time this Charter takes effect shall be retained and shall only be removed for cause as otherwise provided herein.

The Chief of the Fire Department shall be appointed by the Manager and the appointment shall be confirmed by a majority of the Council, provided, however, that the Chief may be removed by the Manager at any time in the manner provided for in Section 30 of Article V of this Charter. In appointing the Chief of the Fire Department, the Manager shall make his selection preferably from the ranks of the active members of the Fire Department with a rank of not less than that of battalion chief.

The Chief of the Fire Department, with the approval of the Manager, shall direct and supervise the personnel, have charge of the property and equipment of the Department, and exercise all powers and duties provided by general laws or by ordinance of the Council. All appointments to the Fire Department shall be made in accordance with the Civil Service provisions of this charter from applicants not less than twenty-one nor more than thirty years of age. After appointment members of the Fire Department shall not be subject to the Civil Service provisions of this Charter and promotions, demotions, suspensions and dismissals from the Fire Department shall be made in accordance with fixed rules and regulations of a Merit System established by the Chief of the Fire Department, and approved by ordinance of the Council; provided, however, that any member who has been dismissed, demoted or suspended, other than the Chief, may, within five days from the effective date of the order of such dismissal, demotion or suspension, appeal to the Civil Service Commission of the City, who after proper notice, shall conduct a public hearing at which the Commission shall have power to determine the justice of such order of dismissal, demotion or suspension, and may affirm, modify or refuse such order. The action of said Commission on such hearing shall be final and conclusive.

It shall be the duty of the Chief of the Fire Department to superintend the prevention and extinguishment of fires, establish rules and regulations for the operation and control of the Fire Department and provide penalties for the violation thereof, exercise full power and authority over all appropriations made for the use of the Fire Department, subject to the approval of the Manager.

The uniformed force of the San Diego Fire Department shall be divided into two divisions—one to perform duty days and one to perform duty nights. The day shift shall perform duty for a consecutive period of ten (10) hours, and the night shift for a consecutive period of fourteen (14) hours, except on change of shifts, when each shift shall alternately stand duty for a period of twenty-four (24) hours while the opposite shift is off duty, and such change of shift shall be made every third day, except in cases of emergency. The Chief, however, with the approval of the Manager, may change the hours of work, and the time of shifts above described, for the purpose of improving the working conditions of the members and the efficiency of said department, but no change shall be made which will impose additional burdens upon the members of said department or materially affect the double platoon system. The Chief shall

have all power and authority necessary for the operation and control of the Fire Department and the protection of the lives and property of the people of the City from fire.

The Chief of the Fire Department shall appoint a Superintendent who shall be in charge of the Fire and Police Alarm Telegraph system, a Fire Marshal who shall be in charge of the Department of Fire Prevention, a Secretary who shall be in charge of the Department of Records and Supplies, a Surgeon who shall be in charge of the Medical Department and a Master Mechanic who shall be in charge of the Fire Department Repair Shop. There shall also be maintained a Fire Department Drill and Training School.

During the absence or inability of the Chief of the Fire Department to perform the duties of his office, the Assistant Chief of the Fire Department shall perform all the duties of the Chief of the Fire Department, and if the Assistant Chief is absent or unable to perform the duties of the Chief, then the battalion chief in charge shall perform all the duties of the Chief of the Fire Department.

Section 59. DEPARTMENT OF INSPECTION. The Department of Inspection shall consist of a Chief Inspector appointed by the Manager, and such subordinate officers and employees as shall be authorized by ordinance. The Chief Inspector shall be either a structural engineer or an experienced architect licensed to practice his profession in the State of California, versed in building construction, strength and mechanics of materials, installations of all kinds, and having a general knowledge of the State housing laws and the local inspection ordinances. He shall have been engaged in his profession for a period of not less than five years prior to his appointment. The Chief Inspector and all of his supervisors, inspectors and deputies, shall have the right to enter into any buildings or enclosures, or upon the property within the limits of the City, for the purpose of inspecting the same and for enforcing the provisions of the building code, and all other laws and ordinances in force in the City relating to the duties of the Department in the preservation of the safety of the public. No officer or employee of the Department of Inspection shall be engaged either directly or indirectly in any business or profession during the time he is employed by the City in said Department.

Section 60. DEPARTMENT OF PUBLIC HEALTH.

(a) The Manager shall appoint a Public Health Commission consisting of five members, three of whom shall be graduates of a recognized legal college of medicine and duly licensed to practice medicine in the State of California. The remaining two shall have a general knowledge in the field of public health. The members of this Commission shall serve without compensation and shall hold office until their successors have been appointed and qualified.

(b) The Manager shall appoint a Director of Public Health who shall be a graduate of a recognized legal college of medicine and shall be licensed to practice his profession in the State of California. In addition to these qualifications he shall hold a degree of Director of Public Health from a recognized University, or, in lieu thereof, produce the necessary evidence showing that he possesses the essential qualities of administrative ability to perform the work of Director of Public Health.

(c) The Director of Public Health after appointment shall continue to hold office until his successor has been appointed and qualified and he shall receive as compensation such salary as may be fixed in the annual appropriation ordinance.

(d) The Director of Public Health shall be the executive officer of the Department and as such shall exercise all powers and perform all duties conferred by the general laws of the State upon health officers of municipal corporations. Such director shall enforce all ordinances of The City of San Diego relating to public health and shall provide for the enforcement of all ordinances, quarantines, regulations and rules prescribed by the State Board of Health pertaining to the regulation of public health in The City of San Diego. He shall also carry out and perform any duty imposed upon him by any statute of the State relating to public health and vital statistics and shall have general supervision of all hospitals and clinics established by ordinance for the purpose of isolation and treatment of communicable diseases or child guidance clinics or any other clinics that may be established for preventive treatment of physical or mental conditions.

(e) The Director of Public Health shall appoint such officers, subordinates and employees as provided by ordinance and as may be necessary to carry out the provisions of this Article and to enforce all laws of the State and City appertaining to public health.

(f) The Public Health Commission as herein created shall exercise all the powers and perform all of the duties conferred by general law upon Boards of Health in the State of California and such additional powers and duties as may be prescribed for Boards of Health by the rules and regulations of the State Board of Health.

(g) The Director of Public Health, under the supervision of the Health Commission, shall have supervision and control under any and all ordinances adopted by the Council of The City of San Diego of hospitals, sanitariums, maternity hospitals, convalescent homes and all other establishments relating to public health. In addition thereto he shall have the power to issue and revoke permits or licenses provided for under any and all ordinances relating to health and sanitation.

(h) The Department of Public Health shall have under its supervision and control all health and sanitary inspectors appointed under any ordinance or ordinances of The City of San Diego which relate to public health. Said Department shall also have supervision and control of the issuance of permits for the operation and inspection of plumbing and gas installations and for all other establishments or businesses requiring inspection under the supervision of the Public Health Department. This Department shall also supervise the issuance and revocation of licenses of such itinerant vendors as may be licensed by ordinance of The City of San Diego.

(i) The Public Health Department shall have supervision over the City Pound and shall be authorized to enter into agreements with any organization formed under the general laws of the State of California for the maintenance and operation of city pounds.

(j) Subject to the approval of the Manager, the Public Health Director may enter into agreements or contracts with other political subdivisions of the State or other United States health services for the purpose of insuring and safeguarding the public health of The City of San Diego and the inhabitants thereof. And in this connection to co-operate with the Public Health Service and Department of the United States or State of California and with any City or County of this State whenever in the judgment of said Public Health Department the public health and safety of said City and its inhabitants will be best subserved.

Nothing in this Article contained shall be construed as preventing The City of San Diego from adopting any law which will confer benefits by the formation and maintenance of a local health district or prevent the formation of local health districts including the territory of The City of San Diego as may be authorized by general law of said State.

Section 61. DEPARTMENT OF SOCIAL WELFARE.

(a) The Manager shall appoint a Social Welfare Commission consisting of five (5) members, only three (3) of whom shall be of the same sex, each of whom shall have a general knowledge in the field of social welfare work.

(b) Members of the Social Welfare Commission shall serve without compensation and shall hold office until their successors have been appointed and qualified.

(c) The Manager shall appoint a Director of Social Welfare, who shall have the following qualifications: He shall be a graduate of an accredited school of Social Welfare and shall have had at the date of appointment at least two years of experience in the field of Social Welfare Work; or, if not a graduate as hereinbefore provided, he shall have had at least five years' experience in approved Social Welfare agencies. Any person appointed to this office shall also have the essential qualifications of administrative ability necessary to carry out the work of Social Welfare herein authorized.

(d) The Director of Social Welfare shall be the executive officer of the Department and shall exercise all powers and perform all duties conferred by general laws or by ordinances of the Council of the City of San Diego. He shall appoint such subordinate officers or employees as shall be authorized by ordinance.

(e) The term of office of the Director of Social Welfare shall continue until his successor shall have been appointed and qualified, and he shall receive such compensation as is designated in the Annual Appropriation Ordinance.

(f) The Department of Social Welfare shall have the power and duty:

FIRST: To investigate and to endorse, if worthy, in the manner provided by ordinance, all such charitable or philanthropic corporations or associations which are dependent on public appeal or general solicitation for support; and to have general supervision over all homes for the aged, boarding homes for children, day nurseries, homes for vocational training, and all other establishments relating to social welfare.

SECOND: To enforce such ordinances of the City which pertain or concern the solicitation of money or other valuable property for social welfare purposes.

THIRD: To encourage the formation of private social welfare organizations to meet needs not already provided for and to foster all worthy philanthropic enterprises.

FOURTH: To disburse all funds set aside by the Council for social welfare purposes.

FIFTH: To study and recommend means of improving the social conditions which lead to poverty, crime and disease.

SIXTH: To promote co-operation among all charitable or philanthropic agencies in the City.

SEVENTH: With the consent and approval of the City Council, by resolution or ordinance expressed, the Department of Social Welfare may receive gifts, bequests, or devise to be used for charitable or philanthropic purposes, and to administer any trust declared or created for any such purposes, in accordance with the terms of such trust; provided, however, that nothing

herein contained shall be construed so as to prevent the Funds Commission from exercising full power of supervision and control over all trust property and investment funds, as authorized by Subdivision (a) of Section 41 of Article V of this Charter.

EIGHTH: To supervise and regulate dance halls and places of amusement or recreation as provided by ordinance.

NINTH: In general the Department of Social Welfare shall supervise all appeals for contributions to support local welfare enterprises, and shall have charge in the City of everything which relates to social service and welfare of the people.

Section 62. PLAYGROUND AND RECREATION DEPARTMENT. There is hereby created a Playgrounds and Recreation Commission to consist of five (5) members, two of whom shall be appointed by the Manager, two by the Board of Education of the San Diego School District, and the other by the Park Commission. The members of this Commission shall serve without compensation during the pleasure of the respective appointing authorities.

Except as hereinafter provided, the Manager shall appoint a Superintendent of Playgrounds and Recreation who shall hold office until his successor is appointed and qualified. The Superintendent of Playgrounds and Recreation, subject to the supervision of the Manager, shall be the executive officer and director of playgrounds and recreation activities in The City of San Diego. The Superintendent of Playgrounds and Recreation shall appoint such officers, subordinates and employees as may be authorized by ordinance. He shall have jurisdiction and control of all playgrounds, recreation centers, recreation camps, and recreation activities held on any City controlled beaches and piers as may be owned, controlled or operated by the City. He shall have authority to establish, maintain, promote and operate all types of recreation, either within or without the City limits, as may be consistent with the purposes of this Section. He shall also have authority under the Supervision of the Manager to purchase, lease and acquire, by gift or otherwise, on behalf of The City of San Diego, and to maintain any property necessary or convenient for recreation purposes. He shall perform and exercise all other duties or powers which may be prescribed by general law or ordinance which relate to the activities of playgrounds and recreations in The City of San Diego.

The Manager shall have authority to enter into such contracts as may be deemed desirable for the best interests of The City of San Diego for the joint operation and control of playgrounds by the San Diego School District and the City. All such contracts shall be executed by the Board of Education of the San Diego School District, and may provide:

(a) For the joint operation and control of playgrounds or recreation fields which may be owned by either the City or the said School District.

(b) For selection of Directors to control such jointly operated playgrounds and recreation fields.

(c) For payment of compensation to Directors so selected under and by virtue of the authority of said contract.

(d) For proper maintenance and equipment of such jointly owned and operated playgrounds and recreation fields.

In the event that a contract is entered into with the San Diego School District as herein authorized, the power of the Manager to appoint a Superintendent of Playgrounds and Recreation shall be limited so as to be consistent with the terms of such contract.

Section 63. **LIBRARY DEPARTMENT.** The Manager shall appoint a library Commission of three members who shall serve without compensation during his pleasure. The Manager shall appoint a City Librarian who shall be executive officer and Director of the activities of the Department. The City Librarian must be either a graduate of a Library School accredited by the American Library Association, or present a statement from the Board of Library Examiners of the State of California that in their judgment the applicant is qualified to fill the position of Librarian of the San Diego Public Library. The Library Department shall consist of such central and branch libraries and reading rooms and have such subordinate officers and employees shall be authorized by ordinance.

The City Librarian shall manage and control the libraries and reading rooms of the City, shall purchase books, periodicals, and other publications, may purchase, lease, or receive by gift, any real or personal property for library purposes, subject to the provisions of the Annual Appropriation Ordinance, and shall make and enforce rules and regulations for the proper administration of all real and personal property under the jurisdiction of the Library Department. The City Librarian shall perform such other functions as are prescribed by general law or ordinance for public libraries.

Section 64. **SUPPORT OF EDUCATIONAL AND CULTURAL INSTITUTIONS.** The Council shall annually make appropriations for the support of all institutions of an educational, scientific, historical and cultural character, and which have a tendency to promote the welfare of the City and its inhabitants, which are now or which may hereafter be controlled by The City of San Diego and partially or wholly operated and maintained by said City for the benefit of its inhabitants.

ARTICLE VI. BOARD OF EDUCATION

Section 65. **SCHOOL SYSTEM.** The School System of The City of San Diego shall include all Kindergarten, Elementary and Secondary Schools, and all Evening Schools, Technical Schools, Parental Schools and other Schools which are now established or that may hereafter be established by the Board of Education of the City in the San Diego School District under the general laws of the State of California. The boundaries of the San Diego School District shall be those now established or that may hereafter be established under the general laws of the State of California.

Section 66. **BOARD OF EDUCATION.** The government of the San Diego School District shall be vested in a Board of Education, composed of five members who shall be elected at large by the electors of the School District at the same time as the members of the City Council. The candidates for the Board of Education shall have been qualified voters of the district at least three years prior to their nomination. The members shall serve for a term of four years, or until their successors are elected and qualified. The present members of the Board shall serve out their unexpired terms. Thereafter there shall be elected three members in 1933 and three members each four years thereafter; and two members shall be elected in 1935 and two members each four years thereafter. Any vacancy in the Body shall be filled by the Board of Education until the next general municipal election, when a member shall be elected to fill the unexpired term. Each member shall receive a compensation of six

hundred dollars per annum payable in monthly installments.

Section 67. **POWERS AND DUTIES.** The powers and duties of the Board of Education shall be such as are now, or may hereafter be conferred upon such boards by the laws of the State of California.

ARTICLE VII. FINANCE

Section 68. **BUDGET AND ACCOUNTING SYSTEM.** A complete budget and accounting system of municipal receipts and expenditures is hereby established. The Council may make changes, amendments or modifications in said budget system to make it conform to amendments hereafter made in said budget law, and such other changes, amendments or modifications herein, not affecting the substance or completeness of said system as the Council shall have power to make under the laws and Constitution of the State.

Section 69. **FISCAL YEAR AND MANAGER'S ESTIMATE.** The fiscal year of the City shall begin with the first day of July and shall end with the next succeeding 30th day of June. On or before the first meeting in May of each year the Manager shall prepare and submit to the Council a budget of the expense of conducting the affairs of the City for the ensuing fiscal year. Departments not under the Manager shall submit their annual budget estimates to the Manager, or to such official as he may designate, and in such form as he shall require on or before April 15th for transmittal in proper form by the Manager to the Council. The budget shall include a summary outline of the fiscal policy of the City for the budget year, describing in connection therewith the important features of the budget plan; a general budget summary setting forth the aggregate figures of the budget in such manner as to show the balanced relations between the total proposed expenditures and the total anticipated income and other means of financing the budget for the ensuing year, contrasted with the corresponding figures for the current year. The classification of the estimate shall be as nearly uniform as possible for the main divisions of all Departments and shall give the following information:

(a) A detailed estimate of the expense of conducting each Department and office of the City for the ensuing fiscal year; showing the objects of expenditures such as personal service, contractual service, materials and supplies, equipment, capital outlays, and fixed charges; and further consolidated or summarized under funds, organization units and character of expenditure;

(b) Expenditures for the corresponding items for the current year including the amounts estimated to the end of the current fiscal year with reason for increases and decreases recommended as compared with appropriations for the current year;

(c) The total value of supplies and materials on hand in each Department at the date of the preparation of the estimate;

(d) The total amount of City debt outstanding together with a schedule of maturities of bond issues by Departments, and a statement of borrowing capacity;

(e) A statement of the amounts which should be appropriated:

- (1) For interest on the City debt,
- (2) For paying off any serial bonds maturing during the year,
- (3) For payment on lease contracts.

- (4) For the aggregate of the year for the equal installments required to be appropriated annually during the life of all other bonds of the municipality in order to accumulate a fund sufficient to pay off such other bonds at maturity,
- (5) For disability and retirement payments, in addition to the contributions of City employees, sufficient to maintain the respective funds;
- (f) An estimate of the amount which should be appropriated for contingent or emergency purposes;
- (g) An itemization of all anticipated revenues of the City from sources other than taxes, shown by Departments;
- (h) An item to be known as the "unappropriated balance" which sum shall be available for appropriation later in the fiscal year to meet contingencies which might arise. The budget shall also contain an item to be known as the "reserve fund," which shall be carried over to the next ensuing fiscal year following the fiscal year for which the budget is prepared, to meet the cash requirements of the City for the portion of said next ensuing fiscal year prior to the receipt of taxes thereon, or for appropriations to the unappropriated balance fund, provided, that the Council shall create gradually such "reserve fund" as provided in Section 91 of this Article and shall add from year to year an amount sufficient to meet the cash requirements of the City; provided, however, that no transfers from this "reserve fund" shall be made at any time, except as authorized and limited in Section 91 of this Article.
- (i) An estimate of the amount of money to be raised from taxes and bond issues which, with revenue from other sources, should be necessary to meet the expenditures proposed;
- (j) A long-time program of proposed activities, developments and improvements listed in order of relative importance and specifying whether the work is to be done by bond issue or by taxation;
- (k) Such other information as the Manager may think desirable or as may be required by the Council. The Council shall provide for printing a reasonable number of copies of the estimate thus prepared, for distribution to citizens at least fifteen days before final passage. Copies shall also be furnished to the newspapers of the City and to each library thereof which is open to the public.

Section 70. POWER TO FIX SALARIES. The Council shall have the power to fix the salaries of the City Manager, the City Clerk, the City Treasurer, the City Auditor and Comptroller, and all other officers under its jurisdiction. All members of Commissions shall serve without compensation except where otherwise provided by State law or this Charter. Except as otherwise provided by law the City Manager and other departmental heads outside of the departments under control of the City Manager shall have power to recommend salaries and wages subject to the personnel classification and the schedule of salaries fixed by the Civil Service Commission, of all other officers and employees within the total amount contained in the Annual Appropriation Ordinance for personal service in each of the several departments of the City Government. All increases and decreases of salary or wages of officers and employees shall be determined at the time of the preparation and adoption of the budget, and no such increase or decrease shall be effective prior to the fiscal year for which the budget is adopted.

Section 71. PREPARATION AND PASSAGE OF ANNUAL APPROPRIATION ORDINANCE. Upon receipt of the Manager's estimate the Council shall

at once prepare an appropriation ordinance using such estimate as a basis. The form, arrangement and itemization of the appropriation ordinance shall be determined and prescribed by the Auditor and Comptroller, and City Attorney. Provision shall be made by the Council for public hearings upon the appropriation ordinance either before a Committee of the Council or before the Council sitting as a committee of the whole. Following the public hearings the appropriation ordinances shall take the same course in the Council as other ordinances but shall not be passed before the first meeting of the Council in July. The Council may reduce or eliminate any item, but may not increase any amount or add any new item for personal services, contractual services, materials, supplies, and equipment for any Department unless requested in writing so to do by the Manager or by the Board, Commission or officer in charge of a Department not under the jurisdiction of the Manager. Upon final passage, the appropriation ordinance shall be published in the manner provided for the publication of other ordinances.

Section 72. APPROPRIATION ACCOUNTS. Accounts shall be kept by the Auditor and Comptroller for each item of appropriation made by the Council. Each such account shall show in detail the appropriations made thereto, the amount drawn thereon, the transfers made thereto, the unpaid obligations charged against it, and the unencumbered balance to the credit thereof. Upon completion of a project for which specific ordinance appropriation is made, it shall be the duty of the Director of the Department concerned at once to so notify the Auditor and Comptroller by letter of completion and clearance. The Auditor and Comptroller shall thereupon transfer any unexpended balance to the general fund. If after one year from date of approval of such ordinance, the Auditor and Comptroller has not received notice of completion or that the work is not progressing, he shall without further consideration restore the unexpended balance in the item so set up to the general fund.

Section 73. TRANSFER OF APPROPRIATIONS. Upon the written recommendation of the Manager, the Council may at any time transfer all or part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has proved insufficient, or may authorize a transfer to be made between items appropriated for the same Department or office; provided, however, the Council shall have no authority to transfer all or any part of the salary during the fiscal year to any other purpose, save and except in the event of a public emergency, and then only for the purpose of insuring the safety and lives and property of the inhabitants of The City of San Diego.

Section 74. APPROPRIATION REQUIRED FOR CITY DEBT. An appropriation on account of the debt of the municipality, at least equal to the amount or amounts, estimated by the Manager to be required for the purpose, shall be included in each Annual Appropriation Ordinance passed by the Council. If for any reason the Council fail to include such an appropriation in the Annual Appropriation Ordinance or shall appropriate for the debt of the municipality less than estimated by the Manager to be required for that purpose, or less than that actually required for that purpose, the Auditor and Comptroller shall nevertheless cause to be set up, an appropriation account for the full amount so estimated or actually required and shall, notwithstanding any other appropriation made by the Council, transfer to such account out of any moneys the municipality derived from taxes and paid into the Treasury, such amount or amounts as may be necessary to bring the appropriation for the City debt

up to the full amount of the Manager's estimate or the sum actually required.

Any taxpayer of the City or owner of any bond thereof may bring suit against the Auditor and Comptroller in the Superior Court to enforce the provisions of this section and if, upon such suit, it be found that the Council has failed to make an appropriation for the full amount estimated by the Manager and actually required for the City debt and that the Auditor and Comptroller has failed to set up the appropriation account and provide for transfers thereto as required by this section, the court shall order the establishment of such appropriation account and the necessary transfers thereto as hereinbefore provided. And such action by the court shall have the same force and effect in regard to appropriations for the City debt as though taken by the Council in the Annual Appropriation Ordinance.

Section 75. ANNUAL TAX LEVY. The Council shall finally adopt, not later than the last Tuesday in August of each year, an ordinance levying upon the assessed valuation of all property in the City, a rate of taxation sufficient to raise the amount estimated to be required in the annual budget and as herein provided, less the amounts estimated to be received from fines, licenses, and other sources of revenue, using as a basis the value of the property as assessed by the County Assessor, as the same may be equalized and returned to the council by the County Auditor as provided by general law. The Council shall immediately thereafter transmit to the County Auditor of the County of San Diego, a statement of such rate or rates so fixed by it.

Section 76. LIMIT OF TAX LEVY. The tax levy authorized by the Council to meet the Municipal expenses for each fiscal year shall not exceed the rate of \$1.34 on each \$100.00 of assessed valuation of the real and personal property within the city. In addition to the foregoing tax levy, the Council, if necessary, shall levy annually a sum sufficient to meet the requirements of the pension funds herein provided for the Police and Fire Departments and the City Employees' Retirement Fund. No special tax shall be permitted except as expressly authorized by this Charter. The foregoing limitations shall not apply in the event of any great necessity or emergency, in which case they may be temporarily suspended, provided that no increase over said limits, except as in this Charter prescribed shall be made in any fiscal year unless authorized by ordinance adopted by the vote of two-thirds of the electors of this City voting on the proposition, and provided further that no indebtedness shall ever be incurred by The City of San Diego for public improvements which shall in the aggregate exceed twenty-five per cent (25%) of the assessed value of all real and personal property of such City, anything in this Charter contained to the contrary notwithstanding. This limitation on the part of the City to incur indebtedness shall be construed to include any indebtedness which may be incurred by special taxes or by the voting of bonds by the electors.

Section 77. SPECIAL TAX LEVY. The Council shall have the power to levy and collect taxes in addition to the taxes herein or by general law authorized to be levied and collected in an amount sufficient to pay the bonded indebtedness of said City and for the acquisition and construction of permanent improvements, real property, public buildings and structures and public offices, including equipping and furnishing of same, at the rate of not more than five cents on each one hundred dollars of the assessed valuation during any one fiscal year, provided, however, that said amount of five cents may be increased by a vote of two-thirds of the electors voting on the proposition, but not to exceed the amount limited by Section 76 of this Article.

Section 78. ASSESSMENT AND COLLECTION OF TAXES. The Council shall by ordinance provide that the assessment and collection of taxes for The City of San Diego shall be performed by the County Assessor and County Tax Collector of the County of San Diego and make such arrangements to carry out the provisions of this ordinance. Provided, however, that if at any time the majority of the electors of The City of San Diego voting at an election for that purpose, decide to have the City assume the duty of assessing and collecting the taxes for municipal purposes, then the Council may by ordinance provide for such assessment and collection of taxes by City officers and make the necessary arrangements to carry out the will of the people as expressed at such election.

Section 79. SPECIAL ASSESSMENTS. The Council shall have power by ordinance to provide for the payment of all or any part of the cost of any public service or of the acquisition of any land or other property for public use, or of the construction, reconstruction, operation or maintenance of any structure or work in the nature of a public facility or improvement, by levying and collecting special assessments upon property specially benefitted. The mode and manner for the acquisition of any land or other property for public use or of the construction, reconstruction, operation or maintenance of any structure or work in the nature of a public facility or improvement and the levying and collecting of special assessments therefor shall be as prescribed at that time by the general law of the State of California relative thereto; unless the Council shall by ordinance provide otherwise.

Provided, however, that the legal and engineering work of preparing proceedings, plans and specifications, costs and estimates of any improvements under this Section shall be done and performed by the offices of the City Attorney and City Engineer, respectively, unless there shall be filed with the City Clerk for presentation to the Council a request in writing by property owners interested that such engineering and legal work be performed by engineers and attorneys outside of the City employ, and at the same time deposited with said Clerk for the use of the City a sum of money sufficient to cover and pay for the costs of such engineering and legal work. In the event that for any reason such proceeding for a public improvement shall not be carried forward to completion so that assessments upon the property benefitted may be legally levied and collected in an amount sufficient to pay the entire cost of said public improvement, including such legal and engineering costs, then and in that event such money so deposited may be used by the City to defray the cost of such engineering and legal work as shall have been done prior to the abandonment of such proceeding. The Council shall order the return of such money, if the proceeding is completed to the extent that such costs for engineering and legal fees have been legally assessed as part of the costs against the property benefitted. In no case, however, shall the City ever be held liable for the costs and fees of such outside engineers and attorneys.

Section 80. MONEY REQUIRED TO BE IN TREASURY. No contract, agreement, or other obligation, involving the expenditure of money out of appropriations made by the Council, shall be entered into, nor shall any order for such expenditure be valid unless the Auditor and Comptroller shall first certify to the Council that the money required for such contract, agreement or obligation is in the treasury to the credit of the appropriation from which it is to be drawn and that it is otherwise unencumbered. The certificate of the Auditor and Comptroller shall be filed and made a matter of record in his office and the sum so certified as being in the treasury shall not thereafter be

considered unencumbered until the City is discharged from the contract agreement or obligation. All unencumbered moneys actually in the treasury to the credit of the appropriation from which an obligation is to be paid, and all moneys applicable to its payment which before the maturity thereof, are anticipated to come into the treasury to the credit of such appropriation shall, for the purpose of such certificate be deemed in the treasury to the credit of the appropriation from which the obligation is to be paid. The Council may approve a contract subject to a vote of two-thirds of the electors, extending over a period of years for additions to the real estate, water plant, harbor, or other revenue producing utilities, in excess of the estimated revenue of the year, in the opinion of the Auditor and Comptroller and the Council there will be money available to meet the payments on the contract as they come due. Provided, however, that nothing herein contained shall be construed as authorizing the incurring of indebtedness in excess of that limited by Section 76 of this Article.

Section 81. ALLOTMENTS. The Manager shall require the administrative heads of all Departments to submit to him, immediately after the adoption of the Annual Appropriation Ordinance, a work program for the budget year, which program shall include all appropriations for operation and maintenance expenditures and for the acquisition of property and shall show the requested allotments of all appropriations by quarters for the entire year. The Manager shall review the requested allotments of each Department and if necessary revise, alter, or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriations available to the Department for the budget year. The Manager shall transmit a copy of the approved allotments to the Head of the Department and also a copy to the Auditor and Comptroller who shall authorize the expenditures to be made from the appropriations on the basis of such allotments, and not otherwise unless there shall be a balance carried over from a preceding allotment period or unless an additional appropriation or transfer has been made by the Council. The head of each Department may request the Manager to approve a revision of the work program at the beginning of any quarter during the fiscal year and each approval shall be transmitted to the Department Head and the Auditor and Comptroller. The Manager may require that each Department set up a reserve in the original allotments of at least five per cent of the total appropriation of the Department or Divisions thereof. At any time during the fiscal year, this reserve or any portion of it, may be returned by the Manager to the original appropriation to which it belongs and added to any allotment and any unused portion shall remain as an unexpended balance at the end of the budget period. The Council may provide for the creation of revolving funds or for seasonal expenditures for any Department and such funds shall not be subject to the allotment method of distribution.

Section 82. EXAMINATION AND INVESTIGATION OF CLAIMS BY THE AUDITOR AND COMPTROLLER. The Auditor and Comptroller shall examine all payrolls, bills, and other claims and demands, except claims for damages against the City, and shall issue no warrant for payment unless he finds that the claim is in proper form, correctly computed, and duly approved; that it is legally due and payable; that an appropriation has been made therefor which has not been exhausted; and that there is money in the treasury to make payment. He may investigate a claim and for that purpose may summon before him any officer, agent or employee of the City, any claimant or other

person, and examine him upon oath or affirmation relative thereto, and if he finds a claim to be fraudulent, erroneous or otherwise invalid, he shall not issue a warrant therefor. If the Auditor and Comptroller issue a warrant on the treasury authorizing payment of any claim in contravention of the provisions of this Section, he and his sureties shall be jointly and severally liable to the City for the amount of such warrant if paid.

Section 83. PAYMENT OF CLAIMS AGAINST THE CITY. No claim against the City shall be paid except by means of a warrant on the treasury issued by the Auditor and Comptroller. The Auditor and Comptroller shall issue no warrant for the payment of a claim unless the claim be evidenced by voucher approved by the head of the Department or office for which the indebtedness was incurred, and each such officer and his surety shall be liable to the City for all loss or damage sustained by reason of his negligence or corrupt approval of any claim. No demand shall be allowed, approved, audited, or paid unless it shall specify each item of the claim and the date thereof; provided, however, that warrants for salaries of officers and employees shall be allowed by the Auditor and Comptroller and paid regularly, semi-monthly, from the treasury without the necessity of any demand therefor or approval thereof as in this section prescribed for other claims.

Section 84. MONEY TO BE DRAWN FROM TREASURY IN ACCORDANCE WITH APPROPRIATION. No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the Annual Appropriation Ordinance, and preliminary appropriation ordinance, or of the annual appropriation changed as authorized by Section 73 and subsection (h) of Section 69 of this Article. At the close of each fiscal year any unencumbered balance of an appropriation except retirement funds, and such trust funds as may be established by this Charter shall revert to the fund from which appropriated and shall be subject to reappropriation but appropriations may be made by the Council, to be paid out of the revenues of the current year, in furtherance of improvements or other objects or works which will not be completed within the year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

Section 85. DAILY DEPOSITS OF MONEY. All moneys received from taxes, licenses, fees, fines, penalties and forfeitures and all moneys which may be collected or received by any officer of the City in his official capacity, or from any Department of the City for the performance of any official duty and all moneys accruing to the City from any source and all moneys directed by law or by this Charter to be paid or deposited in the treasury, shall be paid into the treasury daily.

Section 86. DISPOSITION OF PUBLIC MONEYS. All city officials and employees empowered to collect money for fees, permits, licenses, inspections, services, taxes or other municipal charges, shall collect the same promptly at the time they become due, turn them into the City treasury daily, obtain a receipt therefor, and report the same to the City Auditor and Comptroller weekly. All such moneys and all fines or pecuniary penalties or forfeitures which may accrue to the City, and all funds which may remain in the possession of the City unclaimed after a period of one year from the date when due and payable, shall be credited to the general fund of the City, and shall be applicable to any purpose to which the Council may appropriate them and the Council shall appropriate from this fund whatever sum may be necessary to

pay valid claims of more than one year's standing.

Section 87. **UNIFORM ACCOUNTS AND REPORTS.** The Auditor and Comptroller shall prescribe uniform forms of accounts which shall be observed by all officers and Departments of the City which receive or disburse City moneys. Whenever an act shall be passed by the legislature of the State providing for uniform municipal accounts or reports, the City Council may elect to conform thereto.

Section 88. **MONTHLY REPORTS OF OFFICERS.** On the first day of each month every officer authorized by law to charge any fee, commission, percentage, allowance or compensation, must make a written report to the Auditor and Comptroller of all moneys received by him during the preceding month.

Section 89. **MONTHLY STATEMENTS BY THE AUDITOR AND COMPTROLLER.** The Auditor and Comptroller shall prepare for submission to the Council, not later than the tenth day of each month, or when requested, a summary statement of revenues and expenses for the preceding month, detailed as to appropriations and funds in such manner as to show the exact financial condition of the City and of each Department and Division thereof as of the last day of the previous month.

Section 90. **CONTRACTING BONDED INDEBTEDNESS.**

(a) Whenever the Council shall determine that the public interest or necessity demands the acquisition, construction or completion of any municipal improvement authorized to be acquired, constructed, completed or maintained by The City of San Diego, the cost of which will be too great to be paid out of the ordinary annual income and revenue of said City, the Council may contract bonded indebtedness for said purposes or any of them, pledging the credit of the City or the property or revenue of any public utility owned by the City and the proceedings taken for incurring such indebtedness shall be in accordance with the mode and manner prescribed by the provisions of the general laws of the State of California relative to incurring bonded indebtedness by municipalities in force at the time such proceedings are taken. Every ordinance or resolution determining that the public interest or necessity demands such improvement shall be adopted only by a vote of five members of the Council and it shall require a vote of two-thirds of the electors voting on each proposition at a regular or special election for the issuance of such bonds before said indebtedness or liability for said improvements may be incurred, except ordinances authorizing such bond issues as are specified in Section 92 of this Article. No bonds, except such bonds as have been heretofore or may be hereafter issued for the purpose of acquiring, constructing or completing improvements for the development, conservation and furnishing of water as hereinafter provided, shall be issued on the credit of the City which will increase the bonded indebtedness of said City beyond ten per cent of the assessed valuation of all real and personal property of said City subject to direct taxation as shown by the last preceding valuation for City taxes.

(b) Whenever the Council shall determine that the public interest or necessity demands the acquisition, construction or completion of any municipal improvement for the development, conservation and furnishing of water, whether in the County of San Diego or elsewhere, the Council may contract bonded indebtedness for such improvement for the development, conservation and furnishing of water whenever authorized to do so by a vote of two-thirds of the electors voting at an election held for that purpose in the manner and

mode prescribed by the general laws of the State of California in force at the time of holding said election. Bonds issued by virtue of the authority of this paragraph (b) including all bonds now outstanding for the purpose of development, conservation and furnishing of water, shall not exceed in amount the sum of fifteen per cent of the assessed valuation of all real and personal property of said City subject to direct taxation as shown by the last preceding valuation for City taxes. The fifteen per cent limitation contained herein shall be in addition to the amount authorized to be issued for other improvements as set forth in paragraph (a) of this section, it being the intent and purpose of this language to permit the City to incur a bonded indebtedness in an amount not to exceed ten per cent for all municipal improvements other than the development, conservation and furnishing of water, and in addition thereto to authorize bonds in an amount not to exceed fifteen per cent of the assessed valuation for the development, conservation or furnishing of water; provided, however, that indebtedness and liability for municipal improvements of every kind and character authorized to be incurred by the provisions of this Charter shall not exceed in amount the sum of twenty-five per cent of the assessed valuation of all real and personal property of said City subject to direct taxation as shown by the last preceding valuation for City taxes.

(c) Every issue of bonds authorized by the provisions of this Section shall be payable within a term of years not to exceed the estimated period of usefulness of the property or improvement for which issued, and in no case to exceed the constitutional limit; provided, that at any time the Council may postpone the payment on all bonds issued for an income-producing utility for a period of five years from date of issue, but shall provide for the interest payment from the date of issue.

(d) When the municipal improvement for which the bonds were voted, as provided in the foregoing Subdivisions of this Section, has been fully completed, all or any surplus money derived from the sale of said bonds remaining in the City Treasury shall be used exclusively for the purpose of redeeming said bonds or paying the interest thereon.

Section 91. **GENERAL RESERVE ACCOUNT.** The Council shall create and maintain a permanent revolving account, to be known as the General Reserve Account, for the purpose of keeping the payment of the running expenses of the City on a cash basis. Said account shall be maintained in an amount sufficient to meet all legal demands against the treasury for the first four months or other necessary period of each fiscal year prior to the collection of taxes. The Council shall have no power to transfer from the General Reserve Account to any other account or fund any moneys except such sum or sums as may be required for the purpose of placing such account or fund as nearly as possible on a cash basis, and except in the event of a public emergency, when it shall be determined by a vote of at least five (5) members of the Council that such moneys shall be expended in order to insure the safety and lives and property of the City or its inhabitants. It shall be the duty of the Council to provide that all moneys so transferred from the General Reserve Account be returned thereto on or before the end of the fiscal year in which said transfers are made; provided, that in any fiscal year in which the total balance in said General Reserve Account exceeds thirty per cent of the total amount of the general budget for that year, the Council may appropriate such excess for any City purpose without returning the same. (See subsection (h) Section 69.)

Section 92. **BORROWING MONEY ON SHORT TERM NOTES.** If there is

not sufficient cash reserve to meet current obligations, bonds or notes may be issued in anticipation of the collection of special assessments, and bonds, notes, or registered warrants on the treasury may be issued in anticipation of the collection of taxes, as authorized by the City Council by ordinance and shall not be deemed the creation of debt within the meaning of Section 90 of this Article. Bonds, notes, or registered warrants on the treasury issued in anticipation of the collection of the taxes of any fiscal year shall be issued only during the first four months of such fiscal year and each such bond, note, or warrant shall specify that it is payable solely out of the first revenues of the fiscal year in which issued, and before the close of such year, and shall not bear a higher rate of interest than five (5) per cent per annum, and the total amount of such bonds, notes or warrants, authorized and issued in any fiscal year shall not, in the aggregate, be more than twenty-five (25) per cent of the total appropriations of the City for such year. Nothing herein contained shall be construed to authorize the incurring of an obligation against the municipality in excess of that authorized to be incurred by the constitution of the State of California.

Section 93. **LOANS AND ADVANCES.** It shall be lawful from time to time to advance money in the General Fund to any bond fund or to use any money in the General Fund for any purpose for which a loan shall have been authorized and bonds actually voted but not yet issued and sold, and the City officials need not sell said bonds until it is necessary to repay the General Fund advances or to replenish such loan fund or funds. The credit of the City shall not be given or loaned to or in aid of any individual, association or corporation; except that suitable provision may be made for the aid and support of the poor.

Section 94. **CONTRACTS.** In the construction, reconstruction, or repair of public buildings, streets, utilities and other public works, and in furnishing any supplies, materials, equipment or contractual services for the same, or for other use by the City, when the expenditure therefor shall exceed the sum of one thousand dollars, the same shall be done by written contract, except as otherwise provided in this Charter, and the Council on the recommendation of the Manager or the head of the Department in charge, if not under the Manager's jurisdiction, shall let the same to the lowest responsible and reliable bidder, not less than ten days after advertising for six consecutive days in a newspaper of a general circulation in the City for sealed proposals for the work contemplated, provided, however, that the Council upon the recommendation of the Manager and by a vote of five of its members may order the performance of any such construction and reconstruction or repair work by the appropriate City forces when the estimates submitted as part of the Manager's recommendations indicate that the work can be done by the City force more economically than if let by contract. In case of a great public calamity, such as extraordinary fire, flood, storm, epidemic or other disaster the Council may, by resolution, passed by a vote of five of its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health or property, and thereupon they may proceed, without advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of any sum required in such emergency, on hand in the City treasury and available for such purpose. All contracts before execution shall be approved as to form and legality by the City Attorney.

Each bidder shall furnish with his bid such security or deposit insuring the

execution of the contract by him as shall be specified by the Council or as provided by general law.

The Council shall require each contractor under this Section to insure the faithful performance of his contract by delivering to the City a surety bond in an amount specified by the Council, executed by a surety company authorized to do business in the State of California, and in addition thereto, the retention of sufficient payments under the contract to insure the protection of the City against labor or material liens.

The Council, on the recommendation of the Manager, or the Head of the Department not under the jurisdiction of the Manager, may reject any and all bids and re-advertise for bids. The Council may provide that no contract shall be awarded to any person, firm or corporation, if prison or alien labor is to be employed in performing such contract, or if the wage schedule for employees engaged in performing such contract are based on more than eight hours of labor per day. Any contract may be let for a gross price or on a unit basis and may provide for liquidated damages to the City for every day the contract is uncompleted beyond a specified date. It shall be competent in awarding any contract to compare bids on the basis of time completion, provided, that when any award has been made in consideration, in whole or in part, of the relative time estimates of bidders for the completion of the work, the performance in accordance with such time limits shall be secured by a surety bond as hereinabove provided with adequate sureties and penalties and provided further, that for any contract awarded solely or partially on a specified time for completion the Council shall not extend such time limits unless such extension be recommended by the Manager and the Head of the Department concerned.

No officer, whether elected or appointed, of The City of San Diego shall be or become directly or indirectly interested in, or in the performance of, any contract with or for The City of San Diego, or in the purchase or lease of any property, real or personal, belonging to or taken by said City or which shall be sold for taxes or assessments or by virtue of legal process or suit of said City. Any person wilfully violating this Section of the Charter shall be guilty of a misdemeanor and shall immediately forfeit his office and be thereafter forever barred and disqualified from holding any elective or appointive office in the service of the City.

All contracts entered into in violation of this Section shall be void and shall not be enforceable against said City; provided, however, that officers of a municipality may own stock in public utility service corporations and the City permitted to contract for public utility service when the rates for such service are fixed by law or by virtue of the Railroad Commission of the State of California, and in such cases such contracts shall be valid and enforceable obligations against the municipality, and the officer interested as a stockholder in such public utility corporation shall not be deemed to have an interest in such City contract within the meaning of this Section of the Charter.

Section 95. PREFERENCE IN ACCEPTING BIDS. Any board, officer, commission or department empowered by this Charter to award contracts for goods, wares, merchandise, stores, supplies, drugs, subsistence, materials, equipment, tools, or other products of industry or manufacture the cost or expense of which is to be paid by the City or any board, office, commission or department thereof, may award a contract for the purchase, sale and

nishing thereof to a regular bidder other than the lowest responsible bidder refor, when, in the judgment of such awarding board, officer, commission or partment, the best interests of the City and public policy relating to the neral welfare will be subserved thereby, and when the bidder specifies in his l the following terms and conditions to be observed in the execution of the tract and he furnishes additional security for the fulfillment thereof, to-wit:

(a) That the articles, products or materials are to be in whole or in part nufactured, made or produced in industries established in The City of San ego or its vicinity, specifying the name and location thereof; and

(b) That the mechanical and other labor, employed in the manufacture, king or production of such articles, products or materials, is to be paid the hest rates of wages prevailing in private industries for comparable work, oifying such rates for each class of labor to be employed;

Provided, however, that the bid of such higher bidder does not in amount or ce exceed by five per cent that of the lowest responsible bidder for such tract.

Section 96. PROGRESSIVE PAYMENTS. Any contract may provide for gressive payments if the ordinance or resolution authorizing the work so scribes, but no progressive payment can be provided for or made at any ie which, with prior payments, shall exceed in amount at that time seventy- e per cent of the value of the work done and materials used and no contract ill authorize or permit the payment of more than seventy-five per cent of e contract price before five days after the expiration period of filing liens, d the acceptance thereof by the Head of the Department concerned, and the nager.

Section 97. COLLUSION IN BIDDING. If at any time it shall be found it any party or parties to whom a contract has been awarded has, in pre- tting any bid or bids, been guilty of collusion with any party or parties in the mission of any bid or for the purpose of preventing any other bid being de, then the contract so awarded may be declared null and void by the ncil and the Council shall thereupon re-advertise for new bids for said work the incomplete portion thereof. The Council shall debar from future bidding persons or firms found to be in violation of this Section, or any future firm which such person is financially interested.

Section 98. ALTERATION IN CONTRACTS. Whenever it becomes neces- y in the opinion of the Manager to make alterations in any contract entered o by the City, such alterations shall be made only when authorized by the ncil upon written recommendation of the Manager. No such alterations ill be valid unless the new price to be paid for any supplies, material, or work der the altered contract shall have been agreed upon in writing and signed the contractor and the Manager prior to such authorization by the Council.

Section 99. CONTINUING CONTRACTS. No contracts involving the pay- nt of money out of the appropriations of more than one year, except public lity franchises, and except bonded indebtedness as provided in Section 90 this Article, shall be made for a period of more than five years and no such tract shall be valid nor shall any rights, indebtedness, liabilities, nor obli- ons arise thereunder or be created thereby without notice published in the lcial newspaper of the City at least two weeks before final action of the ncil upon such contract and the approval of not less than five members of e Council and unless submitted to the electors of the City at a regular or cial election and approved by a two-thirds majority of those voting thereon.

Section 100. NO FAVORITISM IN PUBLIC CONTRACTS. No officer or employee of the City shall aid or assist a bidder in securing a contract to furnish labor, or material, or supplies at a higher price or rate than that proposed by any other bidder, or shall favor one bidder over another, by giving or withholding information, or shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received. Any officer or employee found guilty of violation of this Section shall forfeit his position immediately.

Section 101. WHEN CONTRACTS AND AGREEMENTS ARE INVALID. All contracts, agreements or other obligations entered into, all ordinances and resolutions passed, and orders adopted, contrary to the provisions of Sections 97 and 100 of this Article may be declared null and void by the Council and thereupon no contractor whatever shall have any claim or demand against the City thereunder, nor shall the Council or any officer of the City waive or qualify the limitations fixed by such section or fasten upon the municipality any liability whatever; provided that all persons who have heretofore furnished material for and/or performed labor on the job shall be protected by the contractor's surety bonds. Any willful violation of these Sections on contracts shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof shall thereby forfeit his office or position. Any violation of these Sections, with the knowledge, expressed or implied of the person or corporation contracting with the City shall render the contract voidable by the Council.

Section 102. CONTINUANCE OF CONTRACTS. All contracts entered into by the City, or for its benefit, prior to the taking effect of the Charter, shall continue in full force and effect. All public work begun prior to the taking effect of the Charter shall be continued thereunder. Public improvements for which legislative steps shall have been taken under laws or Charter provisions existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws and Charter provisions.

Section 103. FRANCHISES. The Council shall have power, subject to and in accordance with the provisions of the general laws of the State of California, in effect at that time, to grant to any person, firm, or corporation, franchises, and all renewals, extensions and amendments thereof, for the use of any public property under the jurisdiction of the City. Such grants shall be made by ordinance adopted by a vote of five of the members of the Council and only after recommendations thereon have been made by the Manager and an opportunity for free and open competition and for public hearings have been given. No ordinance granting a franchise or a renewal, extension or amendment of an existing franchise shall be effective until thirty days after its passage, during which time it shall be subject to the referendum provisions of this Charter. No franchises shall be transferable except with the approval of the Council expressed by ordinance.

Section 104. TERM AND PLAN OF PURCHASE. Within six months after this Charter takes effect, copies of all franchises existing at the time shall be deposited with the Manager. The Council shall certify to the existence of such franchises and shall recognize them for periods not longer than the date of expiration on each. The Manager shall keep a public record of all franchises, leases or permits granted for the use of the public property of the City. The

terms of all new franchises shall not extend beyond a period of fifty years, provided that any franchise may be terminated by ordinance at specified intervals of not more than ten years after the beginning of operation, whenever the City shall determine to acquire by condemnation or otherwise the property of any utility necessary for the welfare of the City, such termination to be effective upon and not before payment of the purchase price for the property to be acquired. The method of determining the price to be paid for the property so acquired shall be that provided by law affecting the purchase of public utility properties in effect at the time of the purchase or condemnation of such public utility property.

Section 105. RIGHT OF REGULATION. All grants, renewals, extensions or amendments of franchise, whether it be so provided in the ordinance or not, shall be subject to the right of the City to repeal the same by ordinance at any time for misuse or non use or for failure to begin construction within the time prescribed, or otherwise to comply with the terms prescribed; also to initiate proceedings before the proper tribunal to require proper and adequate extensions of plant and service, the maintenance of the plant and fixtures at the highest practicable standard of efficiency, the establishing of reasonable standards of service and quality of products, and the preventing of unjust discrimination in service or rates; and also at any time to examine and audit the accounts and other records of any franchise holder, and to require annual and other reports from each franchise holder; provided that the Council may prescribe more detailed forms for the franchise holders within its jurisdiction in addition to the forms and reports required by the General Laws of the State of California and the regulations of the State Railroad Commission; and to impose such other regulations as may be necessary for the health, safety and welfare of the public.

The City may provide that the percentage of gross annual receipts derived from the franchise privilege as fixed by the General Law of the State of California shall be paid to the Treasurer in such amounts and at such times as shall be determined in the ordinance granting the franchise.

The owner of a street or interurban railway franchise or privilege shall at all times keep that portion of the street occupied by his or its tracks in good condition, constantly in repair, flush with the street and with good crossings, and in the event that the street on which said franchise or privilege is granted shall be paved either by the City or under proceedings authorized by the General Laws of the State, the said owner of said franchise or privilege shall be required to pay for only that portion of any construction in excess of that covered by the specifications for the improvement of the rest of the street and which shall be necessary to provide a safe and suitable foundation for the operation of car lines over a paved street. It is the intent and purpose of this Section to relieve the owner of a franchise or privilege to operate street cars on the streets of The City of San Diego of the cost of new surface pavement between the tracks of said owner and for two feet on either side thereof on streets to be hereafter paved, and to require the owner of said franchise or privilege to lay a suitable foundation for the operation of car lines over a paved street.

Nothing herein contained, however, shall relieve the said owner of said franchise or privilege of his or its obligation to keep those portions of the streets occupied by the said owner constantly in repair flush with the street, and with good crossings, and to keep that portion of the pavement now exist-

ing or which may hereafter be placed between the rails, and for two feet on each side thereof, and between the tracks if there be more than one, in good condition.

In the event that a street on which a franchise under this Section shall have been granted shall be paved or improved under any of the General Laws in force at the time said improvement is started, the property owners shall be required to bear the entire cost of the improvements of the street including the cost of improving that portion of the street occupied by the owner of said franchise, save and except that portion required to be borne by the owner of the franchise, as hereinbefore provided.

Section 106. REVOCABLE PERMITS. Permits revocable at will of the Council for such minor or temporary utility purposes and privileges as may be specified by general ordinance may be granted or revoked by the Council from time to time in accordance with the terms and conditions prescribed thereby and such permits shall not be deemed to be franchises as the term is used in this Charter. Such general ordinance, however, shall be subject to the same procedure as an ordinance granting a franchise and shall not be passed as an emergency measure.

Section 107. OFFICIAL BONDS. The Council shall determine which officers shall give bonds for the faithful performance of their official duties and fix the amount of such bonds. Each officer, upon entering upon his duties, shall deliver to the City a surety bond, executed by a reliable surety company authorized to do business in the State of California, in the penal sum required, which surety bond shall include other offices of which he may be an ex officio incumbent. Said bonds shall be approved by the Council and filed with the Auditor and Comptroller. That of the Auditor and Comptroller shall be filed with the Treasurer. The premium of such bonds shall be paid by the City.

Section 108. FORFEITURE OF OFFICE FOR FRAUD. Every officer who shall wilfully approve, allow, or pay any demand on the treasury not authorized by law, shall be liable to the City individually and on his official bond, for the amount of the demand so approved, allowed or paid, and shall forfeit such office and be forever debarred and disqualified from holding any position in the service of the City.

Section 109. ACCOUNTS OF MUNICIPALLY OWNED UTILITIES. Accounts shall be kept for each public utility owned or operated by the City and for each income producing Department or Division distinct from other City accounts and in such manner as to show the true and complete financial result of such City ownership, or ownership and operation, including all assets, liabilities, revenues, and expenses. These accounts shall show the actual cost to the City of each public utility owned and of each income producing Department or Division; the cost of all extensions, additions and improvements; all expenses of maintenance; the amounts set aside for bond interest and redemption; and, in the case of City operation, all operating expenses of every description. They shall show as nearly as possible the value of any service furnished to or rendered by any such public utility by or to any other City or governmental department. They shall also show a proper allowance for depreciation, insurance, and interest on the investment, and estimates of the amount of taxes that would be chargeable against the property if privately owned or subject to State tax. When bonds are hereafter issued for any income producing activity, the net income arising from such activity shall be applied upon the interest and principal of said bonds. The Council shall annually cause to be

made and printed for public distribution a report showing the financial results of such City ownership, which report shall give the information specified in this Section and such other information as the Council shall deem expedient.

Section 110. TIME FOR BRINGING SUITS AGAINST THE CITY. No suit shall be brought on any claim for money or damages against The City of San Diego, or any officer or Commission of the City until a demand for the same has been presented to the Auditor and Comptroller and rejected in whole or in part by the Council. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter period of time is provided by law, all claims for damages against the City must be presented within six months after the occurrence from which the damages arose, and all other claims or demands shall be presented within six months after the last item of the account of claim is approved.

Section 111. AUDIT OF ACCOUNTS OF OFFICERS. Each year the Council shall provide that an audit shall be made of all accounts and books of all the Departments of the City. Such audit shall be made by independent auditors who are in no way connected with the City. Upon the death, resignation or removal of any officer of the City, the Auditor and Comptroller shall cause an audit and investigation of the accounts of such officer to be made and shall report to the Manager and the Council. Either the Council or the Manager may at any time provide for an independent examination or audit of the accounts of any or all officers or Departments of the City government. In case of death, resignation or removal of the Auditor and Comptroller, the Manager shall cause an audit to be made of his accounts. If, as a result of any such audit, an officer be found indebted to the City, the Auditor and Comptroller, or other person making such audit, shall immediately give notice thereof to the Council, the Manager and the City Attorney and the latter shall forthwith proceed to collect such indebtedness.

Section 112. APPRAISAL OF CITY ASSETS. The Auditor and Comptroller shall appraise annually the value of all real estate, buildings, structures, furniture and fixtures, supplies, materials, equipment, and property of any kind owned by the City, and may require every officer or Commission to furnish him the data required therefor. Proper depreciation shall be made of all property of any kind which is used by the City for utility purposes and such depreciation shall be made a charge against the Department and taken account of in the charges made for service by that Department. A proper balance sheet under classified heads shall be presented to the Manager for inclusion in the annual budget and shall be published in the annual report of the Auditor and Comptroller. This balance sheet shall show all convertible and other assets and all liabilities of the City.

Section 113. OFFICIAL ADVERTISING. All official advertising of The City of San Diego shall be done by contract. In July of each odd numbered year the City Clerk must publish a notice in a daily newspaper of said City for ten days calling for proposals to do all of the advertising of said City.

The bidder must be the responsible publisher of a newspaper in said City having a bona fide daily circulation and which has been regularly published in said City for at least two years immediately preceding his bid. The award of said advertising shall in all cases be made to the lowest responsible bidder. The newspaper to which the award of advertising is made shall be known and designated as the "City Official Newspaper." No board, department, officer or authority shall make any publication which is not expressly authorized by

this Charter or by ordinance; and all publications so authorized shall be made in the City Official Newspaper exclusively, unless otherwise expressly provided in this Charter.

Section 114. **BUREAU OF INFORMATION AND PUBLICITY.** The Council may establish a bureau of information and publicity under the supervision and control of the Manager, who shall designate some official in his Department or in that of the City Clerk to compile the annual report of the City giving a summary of the Council proceedings and a summary of the operations of the administrative Departments for the previous fiscal years; have charge of the editing, printing and distribution of all municipal records, reports and documents; collect and compile information and statistics concerning all Departments and offices of the City, and other municipalities; and publish as often as necessary a City Bulletin, which shall contain the transactions and proceedings of the Council, the legal advertising of the City and such other information relating to the affairs of the City as shall be determined by ordinance or as the Manager may designate. The City Bulletin shall be published in lieu of the awarding of a contract for publication of official advertising in a newspaper of the City when the Council shall determine that it is to the best advantage of the City. The City Bulletin shall be published, distributed or sold in such manner and on such terms as the Council may determine. No unofficial advertising shall be published in the City Bulletin, nor shall the City Bulletin be used to promote the candidacy of any person, or be used as a medium for any personal controversy.

ARTICLE VIII.

CIVIL SERVICE

Section 115. **CIVIL SERVICE COMMISSION.** There shall be a Civil Service Commission consisting of three members, not more than two of whom shall be of the same sex, appointed by the Mayor and confirmed by the Council, who shall serve for a term of five years. The Commission shall have the powers and perform the duties specified in this Charter. The members of the Commission first selected under the provisions of this Charter shall draw lots for terms of three, four and five years, respectively. Thereafter the term of office of each member of the Commission shall be five years. All vacancies occurring in this Commission shall be filled by the Mayor, subject to confirmation by the Council. Members of the Civil Service Commission shall not hold any other office in the City government.

The City Council may remove a member of the Civil Service Commission for cause by vote of at least five members of said Council, provided, however, that written charges shall have first been made against such member and an opportunity afforded for a public hearing before the Council upon such charges.

Section 116. **PERSONNEL DIRECTOR.** The Civil Service Commission shall appoint a personnel director who shall serve as Secretary of the Commission. He shall act as Chief Examiner and superintend the examinations, subject to the direction of the Commission. He shall perform such other duties as are prescribed by this Charter, by ordinance, or by the Commission.

Section 117. **CLASSIFICATION.** The administrative service of the City is hereby divided into the unclassified and classified service, as follows:

THE UNCLASSIFIED SERVICE shall include all elective positions and the following administrative offices:

A confidential Secretary to the Mayor; City Manager, a confidential Secretary and two Assistants to the Manager; City Clerk; City Auditor and Comptroller; Superintendent of Playgrounds and Recreation; City Librarian; Chief of Police and a confidential Secretary; Chief of Fire Department; Budget Officer; Purchasing Agent; Personnel Director; City Engineer; an Assistant to and all Deputies of the City Attorney; City Treasurer; Director of Public Works; The Hydraulic Engineer in charge of the Division of Development and Conservation, in the Department of Water; The Superintendent of Distribution of Water; Director of Public Health, and confidential Secretary; Director of Social Welfare; Officers and Employees of the San Diego School District; Members of all Commissions and Advisory Boards who serve the City without compensation.

THE CLASSIFIED SERVICE shall comprise all positions not specifically included by this Charter in the unclassified service.

Section 118. RULES. The Civil Service Commission shall adopt and may amend rules for the government, supervision and control of the classified service. Such rules after adoption shall have the force and effect of law. No rule or amendment thereto, however, shall become effective unless it shall have been adopted after a public hearing thereon, with reasonable notice of such hearing first given, and only after such proposed rule or amendment thereto has been published once in the official newspaper of the City and posted in three public places, and has also been approved by the Council. The rules among other things shall provide:

(a) For the standardization and classification of all positions and employments in the classified service of the City. Such classification into groups and subdivisions shall be based upon and graded according to duties and responsibilities and so arranged as to promote the filling of the higher grades, so far as practicable, through promotions.

(b) For the rejections of any and all applicants who are not citizens of the United States. In making its selections, the Commission shall show preference (1) to citizens of the City of San Diego; (2) to citizens of the County of San Diego; (3) to citizens of California; (4) to other citizens of the United States.

(c) For competitive tests to ascertain the relative fitness of all applicants for appointment in the competitive class.

(d) For public notice of the time and place of all competitive tests, at least twenty days in advance thereof, by publication in the official paper of the City and by posting a notice in a conspicuous place in the City Hall.

(e) For the creation of eligible lists upon which shall be entered the names of the successful applicants in the order of their standing in the competitive tests and without reference to the time of the test.

(f) For the rejection of applicants or eligibles who do not satisfy reasonable requirements as to age, sex, physical condition and moral character or who have attempted deception or fraud in connection with any test or their application therefor.

(g) For the certification to the appointing authority, from the appropriate eligible list, for filling a vacancy in the competitive class, of the three names standing highest on such list.

(h) For temporary employment without test, in the absence of an eligible list; but no such temporary employment shall continue after the establishment of a suitable eligible list, nor for more than sixty days.

(i) For temporary employment for transitory work without test, but such employment shall require the consent of the Personnel Director in each case, and shall not continue for more than sixty days. No successive temporary appointments shall be allowed. Nor shall the acceptance or refusal to accept such temporary appointment on the part of a person on the eligible list be a bar to appointment to a permanent position from said eligible list.

(j) For transfer from one position to a similar position in the same class and grade, and for immediate reinstatement within one year of persons who, without fault or delinquency on their part, are separated from the service or reduced in rank.

(k) For non-competitive tests for appointments to positions designated by the City Manager or other City Officers in charge of a Department and approved by the Civil Service Commission and requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character.

(l) For promotion based on competitive tests and upon records of efficiency, character, conduct and seniority. Lists shall be created and promotions made therefrom in the same manner as prescribed for original appointments except as otherwise provided for in this Charter.

(m) For suspension for the purpose of discipline, for not longer than ninety days.

(n) For leave of absence, with or without pay.

(o) For the appointment of unskilled laborers in the order of priority of applications, and with such test of physical and mental fitness as the Personnel Director may prescribe.

(p) For discharge or reduction in rank or compensation after the person to be discharged or reduced has, if he so request, be presented by the person responsible for his appointment with the reasons therefor specifically stated in writing and has been given an opportunity to be publicly heard in his own defense by the Civil Service Commission or as otherwise provided for in this Charter. The written reasons for such discharge or reduction and any reply in writing thereto by any such officer or employee shall be filed forthwith with the Civil Service Commission.

(q) For investigating and keeping a record of the efficiency of officers and employees in the classified service, and for requiring markings and reports relative thereto from appointing authorities.

(r) An appointment or promotion shall not be deemed complete until a period of probation not to exceed six months has elapsed, and a probationer may be discharged or reduced at any time within the said period of six months without a hearing upon the recommendation of the Head of the Department in which said probationer is employed, or by the City Manager, with the approval of the majority of the Commission.

Section 119. APPLICATION REGISTER. There shall be kept in the office of the Civil Service Commission an application register, in which shall be entered the names and addresses and the order and date of application of all applicants for Civil Service tests and the offices or employments which they seek. All applications shall be upon forms prescribed by the Commission.

Section 120. CIVIL SERVICE TESTS. Tests required by the Civil Service Commission shall be practical, shall relate to matters which fairly measure the relative fitness of applicants to discharge the duties of the position which they seek, and shall take account of character, training, experience, and physical

and mental fitness. No question in any test shall relate to race, or to political or religious opinions, affiliations or service, and no appointment, transfer, lay-off, promotion, reduction, suspension or removal shall be affected or influenced by race or such opinions, affiliations or service. Notice of the time, place and scope of each test shall be given by publication and posting, and by mail, at least twenty days in advance, to each applicant upon the appropriate lists of the application register. In all original examinations the Civil Service Commission shall in addition to all other credits, give a credit of five per cent of the total credits specified for such examination to all those who have served in the United States Army, Navy, Marine Corps, or any division thereof in time of war, insurrection or rebellion, and who have been honorably discharged, or retired from active service; and also to the wife of such of those as were, while in such service, wounded, crippled, or otherwise physically or mentally incapacitated to an extent preventing them from engaging in any remunerative occupation, and also to the widow of any such person, and also the widow of any soldier, sailor or marine killed or who died while in such service, and a credit of ten per cent to disabled veterans of the United States Army, Navy, Marine Corps or any division thereof who served this country in time of war, insurrection or rebellion, and who have been honorably discharged or retired from active service, and whose disability has been first determined and rated by the United States Veterans' Bureau, provided, however, that such applicants must first pass the tests and attain the certified list before such credit is given.

Section 121. ELIGIBLE LISTS—LIMITATION. The list of applicants eligible to appointment by reason of civil service tests, with their grades, shall be known as the register of eligibles and shall be open to public inspection. The names of such eligibles shall be arranged in their respective lists in the order of their standing on test. The name of no person shall remain on the register of eligibles for more than two years without a new application and, if the Civil Service rules so require, a new test.

Section 122. APPOINTMENTS. When any position in the classified service is to be filled, the appointing authority shall notify the Personnel Director who shall promptly certify to such authority the names and addresses of the highest three eligibles on the list for the class or grade to which the position belongs. The appointing authority shall appoint to such position one of the persons whose names are so certified. When no eligible list for the position exists, or when the eligible list has become exhausted and until a new list can be created, a name may be certified from the eligible list most nearly appropriate to the position to be filled.

Section 123. LIMITATIONS ON APPOINTMENTS AND TRANSFERS. No person shall be appointed or employed in the classified service of the City under any title not appropriate to the duties to be performed, and no person shall be transferred to, or be assigned to perform any duties of, a position subject to competitive test except with the approval of the Personnel Director.

Section 124. PROMOTIONS. Whenever practicable vacancies in the classified service shall be filled by promotion, and the Civil Service rules shall indicate the lines of promotion, from each lower to higher grade wherever experience derived in the lower grade tends to qualify for the higher. Any advancement in rank shall constitute promotion. Lists from which promotions are to be made shall be created as provided in the Civil Service rules and the appointment of eligibles therefrom shall be made in the same manner as the original appointments, except as otherwise provided for in this Charter.

Section 125. SERVICE REGISTER. There shall be prepared by the Personnel Director and maintained in the office of the Civil Service Commission a list of all persons in the service of the City showing in connection with each name the position held, the salary or wages paid, the date and character of selection or appointment, every subsequent change of status, and whether in the classified or unclassified service. Such list shall be known as the Service Register, and every appointing officer of authority shall promptly transmit to the Civil Service Commission all information requested for the establishment and maintenance of such register.

In the case of elective officers, such information shall be furnished by the City Clerk.

Section 126. CERTIFICATION OF PAY-ROLLS. The Treasurer shall not pay, nor shall the Auditor and Comptroller issue a warrant for the payment of any salary or compensation to any person holding, or claiming to hold, a position in the classified or unclassified service unless the payroll or account of such salary or compensation shall bear the certificate of the Personnel Director that the persons named therein have been elected, appointed or employed and are performing service in accordance with the provisions of this Charter and the rules established thereunder, that their names appear upon the service register for the time for which such salary or compensation is claimed and that the salary or compensation is at the rate indicated on such register. If the Auditor and Comptroller shall wilfully or negligently approve any payment or issue any warrant in violation of this section he and the sureties on his bond shall be liable to the City for the amount thereof and action may be brought therefor by the City or any taxpayer for the use of the City without making previous request to the City to sue.

Section 127. STANDARDS OF EFFICIENCY. The Personnel Director shall fix standards of efficiency and recommend measures for co-ordinating the work of the various Departments and for increasing individual, group, and departmental efficiency. It shall be the duty of the Personnel Director to fix a minimum standard of conduct and efficiency for each grade in the service, and whenever it shall appear from the reports of efficiency made to the Personnel Director for a period of three months that the conduct and efficiency of any officer or employee has fallen below such minimum that fact shall be reported to the authority responsible for the appointment of such officer or employee.

Section 128. INVESTIGATIONS. The City Council, the Civil Service Commission, the City Manager, the Personnel Director or any persons designated by any of them, may make investigations concerning the facts in respect to the operation and enforcement of the Civil Service provisions of this Charter and of the rules established thereunder, and concerning the condition of the Civil Service of the City or any branch thereof. Written charges of misconduct or inefficiency against any officer or employee in the classified service may be filed with the Personnel Director by any person. The Commission shall investigate any such charges, or cause them to be investigated, and report the findings of the investigation to the authority responsible for the appointment of the officer or employee against whom the charges have been made. Any person or persons, making an investigation authorized or required by this Section, shall have power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses. Provided, however, that in the event of more than one investigation concerning the same person or the same subject matter or

matters closely allied thereto, then and in that event but one hearing shall be had and the entire matter shall be disposed of in the one hearing.

Section 129. REMOVALS. Any officer or employee of the City in the classified service may be laid off, suspended or removed from office or employment for cause by the appointing authority. Written notice of lay-off, suspension or removal given to any officer or employee, or written notice left at or mailed to his usual place of residence, shall be sufficient to put any such lay-off, suspension or removal into effect. The person so notified may, within five days after such notice, demand a written statement of the reasons therefor and the right to be heard before the Civil Service Commission. Upon such demand the officer making the lay-off, suspension or removal shall supply the person notified thereof and the Civil Service Commission with a written statement of the reasons therefor, and the Commission shall fix a time and place for a public hearing. Following the public hearing, and such investigation as the Civil Service Commission may see fit to make, the Commission shall report its findings and recommendations to the authority responsible for the lay-off, suspension or removal as specified in the notice. Thereupon the authority making the lay-off, suspension or removal shall make such final disposition of the matter as may be determined by the Civil Service Commission. The decision of the Civil Service Commission in any such case shall be final. A copy of the written statement of reasons given for any lay-off, suspension or removal, and a copy of any written reply thereto by the officer or employee involved, together with a copy of the decision of the Civil Service Commission shall be filed as a public record in the office of the Civil Service Commission.

Section 130. COMPENSATION ESTABLISHED. The Council shall by ordinance establish a schedule of compensation for officers and employees in the classified service which shall provide uniform compensation for like service. It shall be the duty of the Civil Service Commission to prepare and furnish to the Council such schedule for the approval of the Council before the beginning of each fiscal year. Such schedule of compensation shall establish a minimum and maximum for any grade upon the recommendation of the Civil Service Commission, and an increase in compensation, within the limits provided for by any grade, may be granted at any time by the City Manager or other appointing authority upon the basis of efficiency and seniority record after having first received the approval of the Civil Service Commission therefor.

Section 131. FALSE STATEMENT BY APPLICANT. Any applicant for any office or employment in the classified service who shall knowingly make any false statement in connection with any test shall thereby forfeit his right to be entered upon the eligible register, and in case he has been appointed to an office or employment he shall forfeit it and shall not within three years thereafter be eligible to appointment to any office or employment in the service of the City, nor shall he during that time be entitled to take any Civil Service test.

Section 132. GIFTS OR PAYMENTS BY APPLICANTS FORBIDDEN. No applicant for Civil Service test or for appointment to the classified service shall either directly or indirectly, give, render or pay or promise to give, render or pay any money, service or other valuable thing to any person for or on account of, or in connection with, his test, appointment, or proposed appointment, nor shall he ask for or receive any recommendation or assistance from any person in the service of the City other than a statement regarding any previous service to the City as a subordinate under such officer or employee.

Section 133. FRAUD ON CIVIL SERVICE PROVISIONS. No person shall

willfully or corruptly make any false statement, certificate, mark, grading or report in regard to any test or any appointment held or made under the Civil Service provisions of this Charter, or in any manner commit or attempt to commit any fraud in connection with such provisions or said Civil Service rules.

Section 134. POLITICAL ASSESSMENTS AND CONTRIBUTIONS PROHIBITED. No person in the administrative service of the City shall directly or indirectly give, solicit, receive or be in any manner concerned in giving, soliciting or receiving any assessment, subscription or contribution for any political purpose whatever from any other such officer, employee or person. No person shall orally, or by letter, solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or purpose from any person holding a position in the administrative service. No person shall use or promise to use his influence or official authority to secure any appointment or prospective appointment, to any position in the service of the City as a reward or return for personal or partisan political service.

Section 135. CERTAIN POLITICAL PRACTICES FORBIDDEN. No person about to be appointed to any position in the service of the City shall sign or execute a resignation, dated or undated, in advance of such appointment. No person in the service of the City shall discharge, suspend, lay-off, reduce in grade or in any manner change the official rank or compensation of any person in such service, or promise or threaten to do so, for withholding or neglecting to make any contribution of money or service or any valuable thing for any political purpose. No person in the administrative service of the City shall use his official authority to influence or coerce the political action of any person or body, or to interfere with any nomination or election to public office.

Section 136. VIOLATIONS AND PENALTIES. It shall be the duty of the Personnel Director to supervise the execution of the foregoing Civil Service provisions of this Charter and of the rules made thereunder, and it shall be the duty of all persons in the service of the City to comply with such rules and to aid in their enforcement. Any person who, by himself or with others, wilfully or corruptly deceives or obstructs any person in respect to his right to take part in any test for admission to the unclassified service of the City; or wilfully and corruptly marks, grades or reports upon the test or proper standing of any person tested for appointment in the classified service, or aids in so doing; or wilfully or corruptly makes any false representation as to the results of such tests concerning persons so tested; or furnishes special or secret information for the purpose of either improving or injuring the prospects of a person tested or to be tested, or to be appointed, employed, or promoted; or impersonates any person, or permits or aids in any impersonation in connection with any test, application, registration or appointment, or request to be tested or registered; or who makes known or assists in making known to any applicant for test, in advance thereof, any question to be asked on such test, or wilfully or through culpable negligence violates any of the Civil Service provisions of this Charter, or any of the rules made in pursuance thereof, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment for a term not exceeding six months. If any such person be an applicant for competitive test he shall be excluded therefrom; if he be eligible his name shall be removed from the register of eligibles; and if he be an officer or employee of the City he shall immediately forfeit his office or employment.

Section 137. **POWER OF TAXPAYERS TO ENFORCE RULES.** Any taxpayer in the City may maintain an action to recover for the City any sum of money paid in violation of the Civil Service provisions, or to enjoin the Personnel Director from attaching his certificate to a payroll on account for services rendered in violation of this Article or the rules made thereunder; and the rules made under the foregoing provisions shall for this and all other purposes have the force of law.

Section 138. **CERTAIN CANDIDATES FOR ELECTIVE OFFICE AND APPOINTMENTS PROHIBITED.** No person holding an elective office of the City shall, during the term for which elected, be appointed to any office or position in the service of the City except as otherwise provided by this Charter.

Section 139. **FURTHER POWERS.** The City Council, whenever requested by the Commission, may by ordinance confer upon the Commission such other or further rights, duties and privileges as may be necessary adequately to enforce and carry out the principles of Civil Service not in conflict with this Charter.

Section 140. **PRESENT EMPLOYEES RETAINED.** All officers and employees in the classified or unclassified service of the City at the time this charter becomes effective as provided in Section 212 of Article XIV hereof, shall automatically retain their positions and shall thereafter be superseded, replaced, discharged, reduced in rank, promoted, transferred, or retired, only in accordance with the provisions of this Charter. Employees of any public utility taken over by the City, who are in the service of such utility at the time of its acquisition, shall be deemed to hold their positions as though appointed under the Civil Service provisions of this Charter; but vacancies thereafter occurring in such service shall be filled from eligible lists in the manner herein provided.

ARTICLE IX. THE RETIREMENT OF EMPLOYEES

Section 141. **CITY EMPLOYEES' RETIREMENT SYSTEM.** The Council of The City of San Diego, State of California, is hereby authorized and empowered by ordinance to establish a retirement system and to provide for death benefits for public employees other than policemen and firemen (who are now members of a pension system) and elective officers, and members of Commissions who serve without pay; provided, however, that in no retirement system, so established shall an employee be retired—except in case of disability, incapacitating the employee for the performance of his duties—before he reaches the age of sixty-two and before ten years of continuous service; except that the Board of Administration hereinafter created may, by rule, provide for retirement of employees after thirty years of continuous service who elect, within one year after their entrance into a retirement system, to receive a retirement allowance payable after thirty years of continuous service at rates of contribution established by the Board of Administration. Retirement shall be compulsory at the age of seventy-two.

Section 142. **EMPLOYMENT OF ACTUARY.** The Board of Administration hereinafter provided, shall secure from a competent actuary a report of the cost of establishing a general retirement system for all employees of The City of San Diego. Said actuary shall be one who has had actual experience in the establishing of retirement systems for public employees, and his position shall

be considered one requiring expert or technical training within the meaning of subdivision (k) of Section 118 of Article VIII of this Charter.

Section 143. CONTRIBUTIONS. The retirement system herein provided for shall be conducted on the contributory plan—the City contributing jointly with the employees affected thereunder. Employees shall contribute an amount not to exceed 5% of their salary or wage, except that in the discretion of the Board of Administration, employees of the age of fifty or over, at the time a retirement system becomes effective, may be required to contribute not to exceed 10% of their salary or wage; and employees of forty years of age or over at the time a retirement system becomes effective may, at their option, within one year after their entrance into such a system and with the approval of the Board of Administration, elect to receive allowances in excess of those normally established, at rates of contribution to be determined by the Board. The City shall contribute an equal amount, except where employees elect to receive a retirement allowance at a rate in excess of that normally established; in which case the City shall contribute only the amount provided in the actuarial tables adopted by the said board for normal retirement allowances. The mortality, service, experience or other table calculated by the actuary and the valuation determined by him, and approved by the board, shall be conclusive and final, and any retirement system established under this Article shall be based thereon; provided that initial liabilities accruing under a retirement plan because of past service of employees in active service on the 7th day of April, 1925, may be covered by annual appropriations by the Council.

Section 144. BOARD OF ADMINISTRATION. The system shall be managed by a Board of Administration which is hereby created, consisting of the City Auditor and Comptroller, the City Treasurer, three members of the retirement system, to be elected from the active membership, a resident official of a life insurance company and an officer of a local bank, both to be appointed by the Council. Such appointees shall serve without compensation. Members of the Board, other than ex-officio, shall serve five years or until their successors are elected and qualified, and shall so classify themselves by lot that one term shall expire each year. The members of the existing Board shall serve out their unexpired terms.

The Board of Administration may establish such rules and regulations as it may deem proper; shall elect one of its members president and appoint a secretary and may appoint such other employees as may be necessary. Such appointments, except the actuary, shall be made under the provisions of Article VIII of this Charter.

The Board of Administration shall be the sole authority and judge under such general ordinances as may be adopted by the Council as to the conditions under which persons may be admitted to benefits of any sort under the retirement system; and shall have exclusive control of the administration and investment of such fund or funds as may be established, unless such funds are placed by the Board of Administration under the Funds Commission for investment. Provided, however, that the Auditor and Comptroller shall refuse to allow any warrant drawn for payment of a retirement allowance if, in the opinion of the Auditor and Comptroller such retirement allowance has been granted in contravention of this Article or any ordinance passed under the authority granted herein.

Section 145. RETIREMENT FUND. All moneys contributed by employees of the City or appropriated by the Council or received from any other source

under the terms of this article, shall be placed in a special fund in the City Treasury to be known as the City Employees' Retirement Fund, which said fund is hereby created. Such fund shall be a Trust Fund to be held and used only for the purpose of carrying out the provisions of this Article. No payments shall be made therefrom except upon the order of the Board of Administration. This fund may be placed by the Board under the Funds Commission for investment; but shall not be merged with other funds of the City.

Section 146. **ADDITIONAL PROVISIONS.** The Council is hereby fully empowered by a majority vote of the members to enact any and all ordinances necessary, in addition to the ordinance authorized in Section 141 of this Article, to carry into effect the provisions of this Article; and any and all ordinances so enacted shall have equal force and effect with this Article and shall be construed to be a part hereof as fully as if drawn herein.

Section 147. **FORMER PENSIONERS ENTITLED TO BENEFITS OF THIS ARTICLE.** All persons who were receiving pensions prior to the adoption of this Charter shall be entitled to all the provisions of this Article.

Section 148. **DECLARATION OF INTENT.** It is the intent and purpose of this Article, where not in conflict with the terms of the present existing City Employees' Retirement System, to continue said system in force and effect as existing at the time this Charter is adopted.

ARTICLE X. POLICE RELIEF AND PENSION FUND

Section 149. **POLICE RELIEF AND PENSION FUND.** In order to continue in force and make effectual pensions already existing in favor of the Police force of The City of San Diego, there is hereby created the Police Relief and Pension Fund in the City Treasury, into which shall be placed all moneys designated in this Charter to be paid into such fund. This fund shall constitute a trust fund for the benefit of the members of the San Diego Police Department and shall be used exclusively for the payment of pensions under the terms and provisions of this Charter. No expenditure shall be made from such fund except on order of the Board of Trustees of the Police Relief and Pension Fund.

The members of the Police Department within the meaning of this Charter who are entitled to the benefits of the Police Relief and Pension Fund shall consist of patrolmen, and all officers and policemen of every rank, including the Chief of Police and police matrons. Civilians and other employees serving the Police Department, but not included in the foregoing classification shall be entitled to all the benefits of the City Employees' Retirement Fund, as provided in Article IX of this Charter.

In the event of an appointment to the office of Chief of Police of one who at the date of his appointment was and is not a regular member of the Department, entitled to all the benefits of the Police Relief and Pension Fund, then and in that event such appointee shall not be entitled to any of the benefits of said Police Relief and Pension Fund as provided in Article X of this Charter. An appointee of this character, however, shall be entitled to all the benefits of the Employee's Retirement Fund, as outlined in Article IX of this Charter.

Section 150. **BOARD OF TRUSTEES OF FUND.** The Chief of Police of the San Diego Police Department, the City Treasurer of The City of San Diego, and one member of said Department who has had at least seven years of continuous service in said Department and who holds a position not lower

than the rank of Lieutenant, to be elected as hereafter provided, and their successors in office, shall be and they are hereby constituted and appointed as the Board of Trustees of the Police Relief and Pension Fund. The elective member of said Board shall be chosen by ballot at an election to be held on the first Thursday after the first Monday in April of 1932, and every two years thereafter at the same time, at which election all police officers in good standing in the San Diego Police Department shall be entitled to vote. Said election shall be by secret ballot at a place designated by the Board of Trustees and shall be conducted in accordance with such rules and regulations as may be prescribed by said Board of Trustees.

In the event of the death or resignation of the elective member of said Board, or in the event of said member becoming ineligible for any reason to act on said Board his successor shall be chosen at a special election, which shall be called by said Board within thirty (30) days from the time of the death or resignation of said member or of the date of his ineligibility. Said election shall be conducted in the same manner as provided for the regular election.

Section 151. **TREASURER OF FUND.** The Treasurer of said Police Relief and Pension Fund shall be placed under a bond of not less than ten thousand dollars (\$10,000.00), which may be increased at the will of the Board of Trustees, the premium of such bond to be paid from the Police Relief and Pension Fund.

Section 152. **INVESTMENT OF FUNDS.** No money from said Police Relief and Pension Fund shall be invested in any securities other than approved United States Bonds, Bonds of the State of California, or local municipal or county bonds, provided that at no time shall more than one-half of the available funds be invested in any way whatsoever until there shall be in said fund at least one hundred thousand dollars (\$100,000.00) and at no time shall more than two-thirds of the total amount of said fund be invested.

Section 153. **BOARD TO ORDER PAYMENT.** The Chief of Police shall be the ex-officio President of the Police Relief and Pension Fund, and the City Treasurer of The City of San Diego shall be the ex-officio Treasurer of the Police Relief and Pension Fund, and said Board shall order payments from said fund in accordance with the provisions of this Article. Said Board of Trustees shall report annually in the month of June to the Council of The City of San Diego, the condition of the Police Relief and Pension Fund, and the receipts and disbursements on account of the same, with a full list of beneficiaries of said fund and the amount paid them.

Section 154. **MEETINGS OF BOARD.** Said Board shall provide for quarterly meetings on the second Monday in January, April, July and October of each year, upon the call of the President. The time and place of such meetings shall be posted on the bulletin board at the Police Headquarters at least seven (7) days prior to each meeting.

Section 155. **WARRANTS OF BOARD.** Said Board shall issue warrants signed by the President, Treasurer and Secretary, to all persons entitled thereto, for the amount of money due to said persons from said fund, which warrants shall state for what purpose such payment is to be made. Warrants shall be drawn quarterly and paid monthly as they become due. Said Board shall keep a record of all proceedings, which record shall be a public document. A majority of all of the members provided for in this Article shall constitute a quorum and have power to transact business.

Section 156. **POWER OF BOARD.** The Board herein provided for shall

in addition to other powers granted hereby, have power, first, to compel witnesses to attend and testify before it on all matters affecting the Police Relief and Pension Fund, in the same manner as is or may be provided for by law for the taking of testimony before Notaries Public; second, to appoint a secretary and provide for the payment from said fund of all of its necessary expenses, including the Secretary's hire and printing; provided, that no compensation shall be paid to any member of said Board for any duty required or performed under this section; third, to make all needful regulations and rules for its guidance not in conflict with the provisions of this article.

Section 157. CONTRIBUTIONS TO FUND BY POLICE. The Auditor and Comptroller of The City of San Diego shall retain from the pay of each regular member or employee of the Police Department a sum equal to two per cent (2%) of the salary paid to said member or employee, and all fines imposed upon members of the Police Department in keeping with the rules and regulations or said Department, to be forthwith paid into said Police Relief and Pension Fund, and no other or further retention or reduction shall be made from such pay of any member or employee of the Police Department to said fund.

Section 158. CONTRIBUTIONS TO FUND BY COUNCIL. The Council shall, for the purposes of said Police Relief and Pension Fund herein provided for, except as hereinafter provided, direct the payment annually, from the General Fund of The City of San Diego, into the Police Relief and Pension Fund, of the following moneys:

(a) One-third (1-3) of all rewards given or paid to members of the Police Department because of or in recognition of the performance of official duty.

(b) One-third (1-3) of all fines collected in the City Police Court of The City of San Diego for a violation of any law, except such fines as may be otherwise provided for under the laws of the State of California.

(c) Five per cent (5%) of all revenues derived from licenses granted by The City of San Diego where said licenses are directly under the supervision of the Police Department.

(d) For the payment of a sum equal to all revenue paid into the Police Relief and Pension Fund by members or employees of the Police Department as provided for in Section 157 of this Article, said sum to be equal to the amount retained by the Auditor and Comptroller of The City of San Diego during the next preceding year; and such further sum or sums as shall be required for maintenance of said Police Relief and Pension Fund.

Provided, however, that whenever said Police Relief and Pension Fund contains a sum of money amounting to one thousand dollars (\$1,000.00) for each and every member of the Police Department, then and in that event all payments into said Police Relief and Pension Fund provided for in this section shall cease, and shall only be resumed in the event that said Fund shall be decreased below the amount herein specified.

Section 159. REPORT TO COUNCIL. On the last day of June of each year, or as soon thereafter as practicable, the Board of Trustees shall make a report to the Council of all moneys paid out on account of said Police Relief and Pension Fund during the current year, and of the amount then to the credit of said Fund.

Section 160. PAYMENTS MONTHLY. All payments provided for in this Article shall be made monthly and upon proper vouchers.

Section 161. PENSIONS INCREASE WITH SALARIES. All pensioners

shall have their pensions increased or decreased to meet the prevailing scale of salary in the Police Department from time to time.

Section 162. RETIREMENT FOR SERVICE. (a) Whenever any person who shall heretofore have qualified as hereinafter provided, shall have been duly appointed, selected and sworn, and have served for twenty (20) years or more, in the aggregate, as a member or employee in any rank or capacity, in the Police Department of The City of San Diego, the Board of Trustees shall, upon the written request of such or any member or without such request if it deem it for the good of the service, retire such member from further service in the Police Department and from the date of such order of retirement the service of such person shall cease and he shall thereafter, during his lifetime, be paid from the Police Relief and Pension Fund a yearly pension equal to one-half ($\frac{1}{2}$) the amount attached to the rank or employment held by said person for one year or more previous to the time of his retirement, payable to him in monthly installments.

In computing the time of service required for retirement, the amount of time served in the United States Army, Navy, Marine Corps or any division thereof in time of war by any member of the City Police Force, who shall have left said force for the purpose of and entered such service of the United States Army, Navy, Marine Corps or any division thereof immediately thereafter, and who shall have returned to said Police Department within three months after having been honorably discharged from said military service, shall have such time counted as part of the aggregate service required for retirement pension.

(b) Upon the death of said pensioner, one-third (1-3) of the amount of his annual salary shall be paid to his widow, until she remarries, but in no case shall such pension exceed seventy-five dollars (\$75.00) per month; and if there be no widow, each child under eighteen (18) years of age, if unmarried, shall receive twenty dollars (\$20.00) per month, but in no case shall such pension exceed the sum of seventy-five dollars (\$75.00) per month for one family; and if no widow or children, one-third (1-3) of his annual salary, not to exceed fifty dollars (\$50.00) per month, shall be paid to his mother or father, if either of them were dependent upon him during his lifetime; and if no mother or father, then to any sister or brother under the age of eighteen (18) years and unmarried who was dependent upon him during his lifetime, so long as said sister or brother are under the age of eighteen (18) years and dependent.

Provided, however, if such pensioner was pensioned for service for twenty years or more the widow shall not be entitled to any pension unless she was married to said pensioner at least three years previous to the time of his retirement. If the widow of a pensioner, entitled to a pension, shall refuse to provide for a dependent child or children or other dependent provided for in this Section, the Board of Trustees, upon satisfactory proof thereof, shall have the power to provide for said dependent child or children or other dependent, and to deduct such amount from the pension of said pensioner as may in the judgment of the Board be proper and necessary.

Section 163. PAYMENTS FOR ACCIDENTAL DEATH. Whenever any member of the said Police Department shall lose his life while in the performance of his duty, or shall die as a direct result of any injury received during the performance of his duty, or shall die from sickness contracted by reason of the proper performance of his duty, then, upon satisfactory proof of such fact or facts, said Board of Trustees shall order paid and pay an amount

equal to one-third (1-3) of his annual salary to his widow until she remarries, but in no case shall such pension exceed the sum of seventy-five dollars (\$75.00) per month, and if there be no widow, each child under the age of eighteen (18) years, if unmarried, shall receive twenty dollars (\$20.00) per month, but in no case shall such pension exceed the sum of seventy-five dollars (\$75.00) per month for one family; and if no widow or children, one-third (1-3) of his annual salary, not to exceed fifty dollars (\$50.00) per month, shall be paid to his mother or father if either of them were dependent upon him during his lifetime; and if no mother or father, then to any sister or brother under the age of eighteen (18) years and unmarried, who was dependent upon him during his lifetime, so long as said sister or brother are under the age of eighteen (18) years and dependent.

Section 164. PAYMENTS FOR DISABILITY. Whenever any regular member or employee of the Police Department shall become physically or mentally disabled by reason of bodily injuries received in, or by reason of sickness caused by the discharge of duty or as a result thereof, to such an extent as to render necessary his retirement from active service, said Board of Trustees, upon determining such necessity for retirement, shall retire such member or employee and cause to be paid to him a pension equal to one-half ($\frac{1}{2}$) of the salary paid to him at the time the disability was incurred. If such disability shall cease, he shall, upon recommendation of the Chief of Police, be restored to such active duty as he is able to perform, and such pension shall terminate. In the event of the death of such pensioner the pension shall be paid to his dependents in accordance with the provisions of Section 163 hereof.

Any pension or relief payment provided for herein shall cease immediately upon the death of the person receiving the same. Any payment made hereunder to dependents of a member shall cease upon the death or marriage of such dependents, or upon the attainment of the age of eighteen (18) years by such dependent other than the widow or father or mother.

Section 165. DISABILITY OR SICKNESS OUTSIDE SCOPE OF DUTY. Whenever any member of the Police Department shall, after the years of service stated below, become totally disabled or die from any sickness not the result of the performance of duty, he or his widow, and if no widow, his dependent child or children, under the age of eighteen (18) years and unmarried, and if no children, his dependent mother or father or sister or brother under eighteen (18) years of age and unmarried, shall be paid from the Pension Fund the following amount:

For five years but not exceeding six years' service, \$100.00.

For six years but not exceeding seven years' service, \$200.00.

For seven years but not exceeding eight years' service, \$300.00.

For eight years but not exceeding nine years' service, \$400.00.

For nine years but not exceeding ten years' service, \$500.00.

For ten years' service, \$1,000.00.

After twenty years' service a pension under the provisions of Section 162 of this Article.

Section 166. CERTIFICATES OF DISABILITY. No person shall be retired as provided in the preceding sections, or shall receive any benefit from said Fund, unless there shall have been filed with the Board of Trustees, prior to the granting of any such pension, certificates of disability, which certificates shall

be subscribed and sworn to by such person, and by three regularly licensed practicing physicians of said City, one of whom shall be the Director of Public Health, one to be selected by said Board of Trustees, and one by the person applying for such pension. All costs incurred in obtaining any such certificate or for the making of any examination of any applicant for any such pension by any physician other than a physician employed by The City of San Diego, shall be paid by said applicant. Said Board of Trustees may require other evidence of disability before granting any such pension as aforesaid.

Section 167. BOARD CONTROL OVER PENSIONERS. Any member of the Police Department receiving a pension from such fund, who shall be convicted of a felony, or shall become dissipated, or an habitual drunkard, or shall become a non-resident of this State, except by written permission of the Board of Trustees, shall forfeit all rights to such pension. Any person retired for disability as herein provided, except those retired after twenty (20) years' service, may be summoned before the Board provided for herein, at any time thereafter and shall submit himself thereto for examination as to his fitness for duty, and shall abide by the decision and order of such Board of Trustees with reference thereto; and all members of the Police Department who may be retired under the provisions of this Article, except those retired after twenty (20) years of service, shall report to the Chief of Police of said City, either in person or in writing, on the first Mondays of January, April, July, and October of each year; and in cases of great public emergency may be assigned to and shall perform such duty as said Chief of Police may direct; and such person shall have no claim for payment against the City for such duty performed.

Section 168. PENSION TO CEASE IN CERTAIN CASES. Whenever any person who shall have received any benefit from said Fund shall be convicted of a felony, or shall become an habitual drunkard, or shall fail to report himself for examination for duty as required herein, unless excused by the Board of Trustees, or shall disobey the requirements of said Board, in respect to said examination or duty, then such Board shall order that such pension allowances as may have been granted to such person shall immediately cease and such person shall receive no further pension, allowance or benefit unless such person be reinstated by said Board for good cause shown therefor.

Section 169. FORMER PENSIONERS ENTITLED TO BENEFITS OF THIS ARTICLE. All persons, including civilian employees, who were receiving pensions prior to the adoption of this Charter shall be entitled to all the provisions of this Article, and all civilian employees who at the date of the adoption of this Charter have contributed moneys to the Police Relief and Pension Fund may at their option continue to contribute said moneys, and all of such employees who so continue shall be entitled to all the benefits conferred by this Article.

Section 170. PENSIONERS ENTITLED TO HOLD OFFICE. Any member pensioned under Section 162 of this Article shall in no way be deprived from holding public office, either appointive or elective.

Section 171. DECLARATION OF INTENT. It is the intent and purpose of this Article, where not in conflict with the terms of the present Police Relief and Pension Fund, to continue said system in force and effect as existing at the time this Charter is adopted.

ARTICLE XI.

FIREMEN'S RELIEF AND PENSION FUND

Section 172. FIREMEN'S RELIEF AND PENSION FUND. In order to continue in force and make effective pensions already existing in favor of the fire force of The City of San Diego, there is hereby created the Firemen's Relief and Pension Fund in the City Treasury, into which shall be placed all moneys designated by this Charter to be paid into said fund. This fund shall constitute a trust fund for the benefit of the members of the San Diego Fire Department, and shall be used exclusively for the payment of pensions under the terms and provisions of this Charter. No expenditures shall be made from said fund except on order of the Board of Trustees of the Firemen's Relief and Pension Fund. Members of the Fire Department entitled to the benefits of this Article shall consist of the Chief of the Fire Department, and all officers and members thereof, provided, however, that in the event of an appointment to the office of Chief of one who at the date of his appointment was and is not a regular member, entitled to all the benefits of this Article, then and in that event such appointee shall not become a member within the meaning of the foregoing classification, but shall be entitled to the benefits derived from the City Employees' Retirement Fund, as provided in Article IX of this Charter.

Section 173. BOARD OF TRUSTEES OF FUND. The Chief of the San Diego Fire Department, the City Treasurer, and one other member of said Department with at least seven years' service in the Department, and not below the rank or rating of Lieutenant, and their successors in office, shall be and are hereby constituted and appointed as a Board of Trustees of the Firemen's Relief and Pension Fund. The elective member of this Board shall be chosen by ballot at an election to be held on the third Monday in April, 1932, and every two years thereafter, at which election all Firemen in good standing in the San Diego Fire Department shall be entitled to vote. The election provided for in this Section shall be under the secret ballot system, and held on the third Monday in April, at such place or places as the Board of Trustees shall direct and under such rules and regulations as they shall prescribe. In the event of death, resignation, failure or inability of any member of said Board to act, if his position be elective, his successor shall be chosen at a special election, which shall be called by said Board within thirty (30) days of the time the vacancy is declared, and shall be conducted in the same manner as the regular election. The elective member of this Board may be recalled by a majority vote of all members of the Fire Department, and upon petition of twenty-five per cent of the members of the Department, the Board of Trustees shall call an election to recall such person, and if said officer is removed from office, said Board shall call an election within ten days to fill such vacancy, and such election shall be conducted as herein provided for.

Section 174. BOND OF TREASURER. The Treasurer of said Firemen's Relief and Pension Fund shall be placed under a bond of not less than ten thousand dollars (\$10,000.00), which can be increased if the Board of Trustees sees fit, and all expense incidental thereto shall be met from said fund.

Section 175. INVESTMENT OF FUNDS. The Board of Trustees of the Firemen's Relief and Pension Fund is hereby authorized to invest said fund in approved United States Government, State of California, local municipal or county bonds; provided, however, that at no time shall more than half of the available funds be invested, until said funds shall reach one hundred thousand

dollars \$100,000.00), and at no time shall more than two-thirds of the total amount of said fund be so invested; and in any event enough money shall always be kept in said fund sufficient to meet the pension payments provided for in this Charter.

Section 176. OFFICERS OF TRUSTEES. The Chief of the Fire Department shall be the ex-officio President of the Firemen's Relief and Pension Fund, and the City Treasurer of The City of San Diego shall be ex-officio Treasurer of the Firemen's Relief and Pension Fund, and said Board shall order payments therefrom in accordance with the provisions of this Article. Said Board of Trustees shall report annually in the month of June, to the Council, the condition of the Firemen's Relief and Pension Fund, and the receipts and disbursements on account of same, with a full list of beneficiaries of said fund, and the amounts paid them.

Section 177. MEETINGS OF BOARD. The Board herein provided for shall hold quarterly meetings on the third Monday of January, April, July and October of each year, and upon the call of its President. The time and place of such meetings shall be posted on the Bulletin Board at the Fire Department Headquarters at least seven days before each meeting. It shall issue warrants signed by the President, Treasurer and Secretary, to the persons entitled thereto, of the amount of money ordered paid to such persons from said Fund by said Board, which warrants shall be drawn quarterly and paid monthly as they become due. The Board shall keep a record of all proceedings, which record shall be a public record. A majority of all the members provided for in this Section shall constitute a quorum, and have power to conduct business.

Section 178. POWERS OF BOARD. The Board herein provided for shall, in addition to other powers granted hereby, have power, first to compel witnesses to attend and testify before it upon all matters connected with the operation of this Article in the same manner as is or may be provided for by law for taking of testimony before Notaries Public. Second, to appoint a Secretary and provide for the payment from said funds of all its necessary expenses, including the employment of a Secretary, and for necessary clerical work; provided, that no compensation shall be paid to any member of said Board for any duty required or performed under this Article. Third, to make all needful regulations and rules for its guidance in conformity with the provisions of this Article.

Section 179. CONTRIBUTIONS TO FUND BY FIREMEN. The Auditor and Comptroller of The City of San Diego shall retain from the pay of each regular member or employee, except temporary laborers or employees, of the Fire Department a sum equal to two per cent (2%) of the amount paid the said member or employee, and all fines imposed upon members of the Fire Department in keeping with the rules and regulations of said Department to be forthwith paid into said Firemen's Relief and Pension Fund, and no other or further retention or reduction shall be made from such pay for any other fund.

Section 180. CONTRIBUTIONS TO FUND BY COUNCIL. The Council shall, except as hereinafter provided, direct the payment annually from the General Fund of the City into the Firemen's Relief and Pension Fund for the purposes of this Article, the following moneys:

(a) All rewards given or paid to members of the Fire Department force while in the discharge of Fire Department duties.

(b) One-third (1-3) of all fines collected in the City Police Court in The

City of San Diego for the violation of any law, except such fines as may be otherwise directed by the General Law of the State of California.

(c) Five per cent (5%) of all revenues derived from licenses granted by The City of San Diego, where such licenses are directly under the supervision of the Police Department.

(d) A sum equal to the amount paid into the Firemen's Relief and Pension Fund by the members of the Fire Department each year, as required under Section 179 of this Article during the next preceding year, and such further sum each year as may be required for the maintenance of said Firemen's Relief and Pension Fund; provided, however, that when said Firemen's Relief and Pension Fund contains a sum of money amounting to \$1000.00 for each and every member of the Fire Department, then and in that event all payments under the said Firemen's Relief and Pension Fund, as provided for in this Section, shall cease, and only be resumed in the event that said fund shall be decreased below the amount herein specified.

Section 181. **REPORTS TO COUNCIL.** In the last month of the fiscal year, or as soon thereafter as practicable, the Board of Trustees shall make a report to the Council of all moneys paid out on account of said Firemen's Relief and Pension Fund during the fiscal year, and of the amount then to the credit of the said fund.

Section 182. **PAYMENTS MONTHLY.** All payments provided for in this Article shall be made monthly and upon proper vouchers.

Section 183. **PENSIONS INCREASED.** All pensioners shall have their pensions increased or decreased to meet the prevailing scale of salary in the Fire Department from time to time.

Section 184. **RETIREMENT FOR SERVICE.**

(a) Whenever any person who shall have been duly appointed, selected or sworn, and shall have served for twenty years or more in the aggregate as a member in any rank or capacity of the regular constituted force, or any department of said force provided for by this Article, the Board of Trustees shall upon the written request of any person, or his guardian, or without such request if it deem it for the good of the service, retire such person from further service in the Fire Department; and from the date of making such order, the service of such person shall cease, and the person so retired shall thereafter during his lifetime be paid from the regular funds of the Firemen's Relief and Pension Fund a yearly pension equal to one-half the amount attached to the rank held by him for one year or more previous to the time of his retirement.

In computing the time of service required for retirement, the amount of time served in the United States Army, Navy, Marine Corps or any division thereof in time of war by any member of the Fire Department who shall have left said Department for the purpose of and entered such service of the United States Army, Navy, Marine Corps or any division thereof immediately thereafter, and who shall have returned to said Fire Department within three months, after having been honorably discharged from said military service, or any member having served as substitute in the San Diego Fire Department, shall have such time counted as part of the aggregate service required for a retirement pension.

(b) Upon the death of said pensioner, one-third of the amount of his annual salary shall be paid to his widow, until she remarries and in no case shall such pension exceed seventy-five dollars (\$75.00) per month, and if no widow, each child under eighteen years of age, if they are not married, shall

receive twenty dollars (\$20.00) per month, but in no case shall pensions exceed the sum of seventy-five dollars (\$75.00) per month for one family; and if no children, one-third of his annual salary, not to exceed fifty dollars (\$50.00) per month, shall be paid to a dependent mother or father; and any dependent orphaned sister or brother under eighteen years of age, and unmarried, shall receive twenty dollars (\$20.00) per month but in no case to exceed fifty dollars (\$50.00) per month for the family; provided, however, if such pensioner was pensioned under subdivision (a) of this Section or Section 186 of this Article, the widow shall not be entitled to any pension unless she was married to said pensioner three years previous to the time of such retirement. In the event of the widow receiving a pension, and refusing to provide for dependent child or children, or other dependents provided for in this section, the Board of Trustees, upon satisfactory proof, shall have the power to divide the pension as it may deem proper. In the event that a member of the San Diego Fire Department who has been pensioned for disability shall marry after being placed on the pension list, upon the death of such member his widow shall not be entitled to any pension under the terms of this Article.

Section 185. PAYMENTS FOR DEATH OR LISABILITY.

(a) Whenever any member of the Fire Department Force shall lose his life in the performance of duty, or shall die from heart trouble or pneumonia, or any other sickness peculiar to the work of a Fireman, his dependents shall receive a pension as provided for in Section 184 of this Article.

(b) Whenever any member of the Fire Department shall after the length of service stated below become totally disabled or die from any sickness or accident not the result of the performance of duty, he or his widow, and if no widow, his dependent child or children under eighteen years of age and unmarried, and if no children, his dependent mother or father, or unmarried dependent sister or brother, under eighteen years of age, shall be paid from the pension fund as follows:

After five years but not exceeding six years' service, \$100.00.

After six years but not exceeding seven years' service, \$200.00.

After seven years but not exceeding eight years' service, \$300.00.

After eight years but not exceeding nine years' service, \$400.00.

After nine years but not exceeding ten years' service \$500.00.

After ten years' service, but not exceeding twenty years, \$1000.00.

After twenty years' service, a pension under the provisions of Section 184 of this Article

(c) Whenever any regular employee of the Fire Department shall become disabled in the line of duty, the Board of Trustees shall retire such person in accordance with the provisions of Section 184 of this Article, provided, however, that if such disability shall cease, he shall, upon the recommendation of the Chief of the Fire Department be restored to active duty, with the rank or rating or salary equal to that held at the time of retirement.

(d) Any member who has served for twenty-five years continuously as a Call Man may be retired at his own request and receiveduring his lifetime, a sum equal to one-half the monthly pay received by him one year previous to the time of his retirement.

(e) Every member of the regular Fire Department who previously served as a Call Man may be credited on his service for one year for every two years' service as a Call Man.

Section 186. FIFTEEN YEAR SERVICE. Any member having fifteen

years in the San Diego Fire Department shall be entitled to all the provisions of Section 184 of this Article, except in case of being removed from the Fire Department for habitual drunkenness, conviction of a felony or gross insubordination.

Section 187. **PENSIONERS SUBJECT TO RE-EXAMINATION.** Any person retired for disability under this Article may be summoned before the Board herein provided for at any time, and shall submit himself for examination as to fitness for duty, and abide by the decision of, and order of said Board with reference thereto; and all members of the Fire Department who shall be retired under the provisions of this Article, or their beneficiaries, shall report to the Chief of the Fire Department, either in person, or in writing, on the third Monday in January, April, July, and October of each year, and in case of great public emergency may be assigned to and perform such duties as the Chief of the Fire Department shall direct, except members pensioned under Section 184, subdivision (a), and Section 186. No pensioner of the Fire Department shall be compelled to work in any other department of The City of San Diego.

Section 188. **CERTIFICATES OF DISABILITY.** No person shall be retired for disability under the provisions of this Article, or receive any benefit therefrom, unless there shall be filed with the Board certificates of disability which shall be sworn to by the Fire Department physician, and two other regularly licensed physicians of The City of San Diego, and the person whose retirement is contemplated shall have the right to select one of the physicians if he chooses to so do. Said Board may require other evidence of disability before ordering such retirement, but upon satisfactory evidence of disability, said Board shall retire such person.

Section 189. **POWER OF BOARD TO DETERMINE PENSIONS.** Whenever any person who shall receive any benefit from the Firemen's Relief and Pension Fund, as provided herein, shall fail to report himself as required in this Article, after having received written notice of such failure to report, and upon satisfactory proof that said person received said notice, or shall disobey the requirements of said Board under this Article with the intention of being insubordinate, then said Board shall order that the pension allowance of such person shall immediately cease and such person shall receive no further benefit, allowance, or pension under this Charter; provided, however, that no part of this Section shall apply to members pensioned under Section 184, sub-division (a) and Section 186 of this Article.

Section 190. **FORMER PENSIONERS ENTITLED TO BENEFITS OF THIS ARTICLE.** All persons who were receiving pensions prior to the adoption of this Charter shall be entitled to all of the privileges of this Article.

Section 191. **PENSIONERS MAY HOLD PUBLIC OFFICE.** Any member pensioned under Section 184 of this Article shall in no way be deprived from holding public office, either appointive or elective.

Section 192. **DECLARATION OF INTENT.** It is the intent and purpose of this Article, where not in conflict with the terms of the present Firemen's Relief and Pension Fund, to continue said system in force and effect as existing at the time this Charter is adopted.

ARTICLE XII. LABOR ON PUBLIC WORK

Section 193. **PREVAILING RATE OF WAGES TO BE PAID ON PUBLIC WORK.** Not less than the prevailing or current rate of per diem wages paid

by private employers in The City of San Diego for the same quality of service shall be paid to all laborers, workmen or mechanics employed by or on behalf of the City upon any public work, whether such work is done within or outside the limits of the City, and whether such work is done directly by the City or under contract or subcontract or any other arrangement whatsoever.

Section 194. TIME AND ONE-HALF PAY. Not less than one and one-half times the said prevailing or current rate per diem wages shall be paid for extra work performed by such laborers, workmen or mechanics on Sundays and legal holidays as set forth in Section 10 of the California Political Code and for work performed in excess of eight hours in one calendar day in such cases in which such overtime work is permitted by law.

Section 195. PENALTY FOR FAILURE TO PAY PREVAILING RATE. The officer or public body awarding any contract for public work on behalf of the City shall ascertain the current or prevailing rate of per diem wages paid by private employers in the City for each craft or type of workmen or mechanic needed to execute the contract, and shall specify in the bids for said contract, and in the contract itself, what the current or prevailing rate of wages is for each craft or type of workman or mechanic needed to execute the contract, also the overtime, Sunday and holiday rate, and it shall be mandatory upon the contractor to whom the contract is awarded, and upon any sub-contractor under him, to pay at least the said specified rates to all laborers, workmen and mechanics employed by them in the execution of the contract, and it shall be unlawful for them to fail to do so. The contractor to whom such contract is awarded shall forfeit as a penalty to the City ten dollars for each laborer, workman or mechanic employed, for each calendar day such laborer, workman or mechanic is paid less than the said stipulated rates for any work done under said contract or by virtue of said contract, by him or by any subcontractor under him, and the said officer or public body awarding the contract shall cause to be inserted in the contract a stipulation to this effect. The term "prevailing or current rate of per diem wages" shall be the rate determined upon as such rate by the officer or public body awarding the contract or employing the workman, whose decision in the matter shall be final. Nothing in these provisions, however, shall be construed to prohibit the payment to any laborer, workman or mechanic employed on any public works aforesaid of more than the said current or prevailing wages.

Section 196. EIGHT HOUR LIMIT ON PUBLIC WORKS. The time of service of any laborer, workman, or mechanic employed upon any of the public works of the City, whether such work is done within or outside the limits of the City, and whether such work is done directly by the City or under contract or subcontract or any other arrangement whatsoever, is hereby limited and restricted to eight hours during any one calendar day and it shall be unlawful for any officer or agent of the City who directs or controls the work of any laborer, workman, or mechanic, employed as herein aforesaid, to require or permit such laborer, workman, or mechanic to labor more than eight hours during any one calendar day, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property or except to work upon public military or naval defenses or works in time of war, provided, however, that within thirty days after any employee is permitted to work over eight hours in one calendar day due to such an extraordinary emergency, the contractor doing the work, or his duly authorized agent, shall file with the officer or board awarding the contract a report, verified by his oath, setting forth the nature

of said emergency, which report shall contain the name of said worker and the hours worked by him on the said day, and failure to file the said report within the said time shall be prima facie evidence that no extraordinary emergency existed. The contractor to whom such contract is awarded shall forfeit as a penalty to the City ten dollars for each laborer, workman or mechanic employed in the execution of the contract, or by virtue of the contract, by him, or by any subcontractor under him, upon any public work or upon any work herein mentioned, for each calendar day during which such laborer, workman or mechanic is required or permitted to labor more than eight hours in violation of the provisions of this Section, and the said officer or public body awarding the contract shall cause to be inserted in the contract a provision to this effect. If the work is being done directly by the City the officer directly in charge of the work shall file the said verified report covering any such extraordinary emergency with his superior officer or the officer or board which appointed him.

Section 197. ALIEN LABOR ON PUBLIC WORKS PROHIBITED. No alien shall be employed upon the public works of the City, whether such work is done within or outside the limits of the City, and whether such work is done directly by the City or under contract or subcontract or any other arrangement whatsoever, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property, or except to work upon public military or naval defenses or works in time of war; provided, however, that within thirty days after an alien is permitted to work thereon due to such an extraordinary emergency, the contractor doing the work, or his duly authorized agent, shall file with the officer or public body awarding the contract a report, verified by his oath, setting forth the nature of the said emergency and containing the name of the said alien, and failure to file the said report within the said time shall be prima facie evidence that no such extraordinary emergency existed. If the work is being done directly by the City the officer directly in charge of the work shall file the said verified report covering any such extraordinary emergency with his superior officer or the officer or board which appointed him. The contractor to whom such contract is awarded shall forfeit as a penalty to the City ten dollars for each alien employed in the execution of said contract, or by virtue of the contract, by him, or by any subcontractor under him, upon any of the public works of the City, or upon any work herein mentioned, for each calendar day during which such alien is permitted or required to labor in violation of the provisions of this Section, and the said officer or public body awarding the contract shall cause to be inserted in the contract a provision to this effect. The term "alien" as used herein shall mean any person who is not a born or fully naturalized citizen of the United States.

Section 198. RECORDS TO BE KEPT BY CONTRACTORS. Every contractor doing public work shall keep or cause to be kept an accurate record showing the names, occupation and citizenship of all laborers, workmen or mechanics employed by him, or by any subcontractor under him, in connection with the said public work, and also showing the actual hours worked and actual wages paid to each of such workers, which record shall be open at all reasonable hours to the inspection of the officer or public body awarding the contract, their deputies and agents, and to the chief of the division of labor statistics and law enforcement of the department of industrial relations, his deputies and agents.

Section 199. DUTY TO REPORT VIOLATIONS. It shall be the duty of the officer or board awarding the contract to do any public work to take cog-

nizance of all violations of the provisions of this Article committed in the course of the execution of said contract, and to report the same to City Auditor and Comptroller who shall withhold and retain from the contractor in question all sums and amounts which shall have been forfeited pursuant to the provisions of this article and turn such sums over to the City Treasurer to become a part of the general fund of the City.

Section 200. **PENALTY FOR VIOLATION.** Any officer or member of a public board of the City who shall wilfully violate, or omit to comply, with any of the provisions of this Article shall be subject to removal from office by suit brought for that purpose in the Superior Court by any citizen, and any contractor, or agent or representative of any contractor doing any public work for or on behalf of the City, whether such work is done within or outside the limits of the City, who shall neglect to keep an accurate record of the names, occupation, citizenship, actual wages paid to and actual hours worked by the workers employed by him, or by any subcontractor under him, in connection with the said public work, or who shall refuse to allow access to same at any reasonable hour by any person authorized to inspect same under this Article, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding five hundred dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

Section 201. **STREET WORK, ETC., SUBJECT TO THIS ARTICLE.** Street work and other improvement work done under the direction and supervision of the City, as well as irrigation and reclamation work, shall be held to come under the provisions of this Article; provided, however, that nothing in this Article with reference to the hours of labor shall apply to regular municipal employees who are employed at a regular weekly, monthly or yearly salary.

ARTICLE XIII. CITY POLICE COURT

Section 202. **JURISDICTION OF CITY POLICE COURT.** There is hereby created and established a Police Court for The City of San Diego, which shall have all the jurisdiction and exercise all the powers which are now or may hereafter be provided for Police Courts in cities by the General Laws of the State of California.

Section 203. **QUALIFICATIONS OF POLICE JUDGE.** The Police Court of The City of San Diego shall be presided over by a Police Judge, who shall be elected by the qualified electors of said City once every four years. Said Police Judge must have been at the time of his election, a regularly licensed and practicing attorney at law of the State of California, and a qualified elector of The City of San Diego. During the term for which he shall have been elected, the Police Judge shall not practice law in any of the Courts of the State of California. Any vacancy occurring during the term of office of said Police Judge must be filled by an appointee of the Mayor, made with the advice and consent of the Council.

Section 204. **SALARY.** The Police Judge shall receive as compensation for his services such salary as shall be paid to Justices of the Peace of San Diego Township under the General Laws of the State of California.

Section 205. **CLERK.** The Police Judge shall appoint a Clerk and such other officers, attaches or employees of said Court as may be provided by ordinance by the Council of said City, and such Clerk, attaches or employees shall receive the salaries provided for such positions in the annual appro-

privation ordinance.

Section 206. **ABSENCE OF JUDGE.** In case of sickness or disability or absence of the Police Judge, any Justice of the Peace of the Township of San Diego may preside over such Court at the request of the Police Judge.

Section 207. **PROCESS.** The Clerk of the Police Court is authorized to administer oaths and take and certify affidavits, and he shall be authorized to issue and sign writs, summons, and other processes in any actions or proceedings in said Police Court in the name of the Police Judge. A permanent record shall be kept by said Clerk of all actions and proceedings in the said Police Court now provided by law to be kept.

Section 208. **APPEALS.** An appeal to the Superior Court from any judgment, order or decision of the Police Court is hereby reserved and granted to anyone injured or aggrieved by such judgment or order, and such appeal shall be taken in the manner and in accordance with the provisions of the General Law authorizing appeals from the Justice Courts of the State of California.

Section 209. **PRESENT CITY COURT.** The present City Justice of the Peace shall preside over the new Police Court established under this Charter until the end of his term of office, and shall continue to hold such office until a Police Judge is elected pursuant to the terms of this Charter at the regular Municipal Election to be held under this Charter in 1935.

Section 210. **MUNICIPAL COURTS.** In the event that at any time the electors of The City of San Diego, by amendment to this Charter, or the Legislature of the State, by General Law, authorizes the creation of Municipal Courts in the Township of San Diego, with jurisdiction to enforce the provisions of General Law not relating to Police Courts in cities, then and in that event the Police Court of The City of San Diego and the office of Police Judge thereof, as herein established, shall be abolished, and thereafter the Municipal Court so created shall have and exercise all of the authority, jurisdiction and power formerly exercised by the Police Court of The City of San Diego.

ARTICLE XIV.

MISCELLANEOUS PROVISIONS

Section 211. **OATH OF OFFICE.** Every officer or member of a Board or of a Commission of the City shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Clerk:

"I solemnly swear (or affirm) that I will obey the Constitution and laws of the United States and of the State of California, that I will, in all respects, observe the provisions of this Charter and the ordinances of The City of San Diego and faithfully discharge the duties of the office of....."

Section 212. **CONTINUANCE OF PRESENT OFFICERS.** All persons holding office at the time the provisions of this Charter shall take effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The first election for the purpose of electing municipal officers under the provisions of this Charter shall be held on the fourth Tuesday in April, 1932, and the first primary election for the purpose of nominating candidates for said first election shall be held on the fourth Tuesday in March, 1932. Thereafter, the regular Municipal elections shall be held in the odd-numbered years, as in Article II provided. The terms of all elective officers who are in office at the time this Charter becomes

effective shall terminate on the first Monday after the First day of May following the holding of such election except as in this Charter otherwise provided. For all other purposes this Charter shall become effective on the First day of January, 1932, provided, however, that the provisions of this Charter relative to the appointment of officers and the creation of offices and departments shall not become effective until after the First Monday after the First day of May following the holding of the first election under the terms of this Charter.

The powers conferred and the duties imposed upon any Officer, Commission, Board or Department of the City by the laws of the State and by this Charter or ordinance shall be thereafter exercised and discharged by the Officer, Board or Department designated by this Charter or by ordinances passed by the Council, unless otherwise provided herein. The members of the Legislative body of The City of San Diego in office at the time the State Legislature ratifies and approves this Charter shall take the necessary action and do everything necessary or incidental for the purpose of holding the first election at which municipal officers are elected pursuant to the terms of and provisions of this Charter.

Section 213. CONTINUING IN FORCE ORDINANCES AND CONTRACTS. All ordinances unless expressly repealed by this Charter, ordinances adopted or in pursuance to the powers of this Charter, and all contracts of The City of San Diego in force at the time of the passage of this Charter shall continue in force until amended or repealed.

Section 214. RESERVATION OF RIGHTS. The passage of this Act shall not affect any right accruing or accrued, or any suit, prosecution, or other legal proceeding pending at the time when it shall take effect as herein provided, and no penalty or forfeiture previously incurred shall be affected thereby.

Section 215. PUBLICITY OF RECORDS. All books, records and accounts of every office and Department of the City shall be open to inspection by any citizen at all reasonable times and under reasonable regulations established by the Council, except such records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Section 216. COPIES OF RECORDS. Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same who shall be charged for such copies or extracts, and for certification, the charge to be fixed by the Council.

Section 217. NO PAYMENT FOR OFFICE. No officer or employee of the City shall give or promise to give to any person any portion of his compensation, or any money or thing of value in consideration of having been, or of being nominated, appointed, voted for or elected to any office or employment. Any officer or employee found guilty by the Council or a court of competent jurisdiction shall thereby forfeit his office or position.

Section 218. NO CONTRIBUTIONS FOR EMPLOYMENT. No officer or employee shall solicit or accept any donation or gratuity in money, or other thing of value, either directly or indirectly, from any subordinate or employee, or from any one under his charge, or from any candidate or applicant for any position as employee or subordinate in any Department of the City. Any officer or employee found guilty by the Council or a court of competent jurisdiction shall thereby forfeit his office or position.

Section 219. PUEBLO LANDS. No sale of Pueblo Lands owned by The City of San Diego which are situated North of the North line of the San Diego

River shall ever be valid and binding upon said City unless such sale shall have been first authorized by an ordinance duly passed by the Council and thereafter ratified by the electors of The City of San Diego at any special or general municipal election. The City Manager shall have authority to lease Pueblo Lands, provided that any lease for a term exceeding one year shall not be valid unless first authorized by ordinance of the Council. No lease shall be valid for a period of time exceeding fifteen years.

Section 220. **EMINENT DOMAIN.** The Council shall have power to acquire by eminent domain proceedings such property as may be needed for public use.

Section 221. **CITY OFFICES TO BE KEPT OPEN.** Except where otherwise provided by law or this Charter, all public offices of the City shall be kept open for business every day except Legal Holidays from 8:30 o'clock in the morning until 5:00 o'clock in the afternoon.

Section 222. **EFFECT OF INVALIDITY IN PART.** If any clause, sentence, paragraph, section or part of this Charter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 223. **AMENDMENT OF CHARTER.** This Charter may be amended in accordance with the provisions of Section Eight, Article Eleven, of the Constitution of the State of California, or any amendment thereof or provision substituted therefor in the State Constitution.

Section 224. **REPEAL OF INCONSISTENT ACTS.** All Acts and parts of Acts of the laws of the State of California relating to The City of San Diego inconsistent herewith are hereby repealed as far as they apply to the said City.

C E R T I F I C A T E

WHEREAS, The City of San Diego for years last past has been and now is a City containing more than three thousand and five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

WHEREAS, on the Twenty-sixth day of August, 1930, at a special Municipal election duly and regularly held on that day in said City, under and in accordance with the provisions of Section 8 of ARTICLE XI of the Constitution of the State of California, the electors of the said City did duly choose and elect

Charles E. Anderson
Stephen Barnson
Albert W. Bennett
Celia A. Dunham
Judson A. Ferguson
Robert Graham
John C. Hartley
Edward N. Jones
Emil Klicka
Nicholas J. Martin
Raymond A. Mathewson
Henry W. Merkley
Ida B. Ranney
Charles O. Richards
John W. Snyder

who were all electors of said City and eligible as candidates under said Section, a Board of fifteen Freeholders to prepare a Charter for the government of said City; and

WHEREAS, the result of said election of Freeholders was duly declared by the legislative body of The City of San Diego on the Second day of September, 1930, and the said electors thereafter duly qualified as such Freeholders in accordance with law;

BE IT KNOWN, that in pursuance of the provisions of said Constitution and within the period of one hundred and twenty days, with an additional period of sixty days duly granted by the legislative body of The City of San Diego, on the Twenty-second day of December, 1930, after the result of said election was so declared, the Board of Freeholders has prepared and does now propose the foregoing as and for the Charter of The City of San Diego; and

BE IT FURTHER KNOWN, that the said Board of Freeholders hereby requests said legislative body of The City of San Diego to cause the publication of the said proposed Charter as provided in said Section 8 of ARTICLE XI of said Constitution, and hereby fixes Tuesday, the Seventh day of April, 1931 (upon which day the general Municipal election next following the expiration of said sixty days is held), as the date fixed by the said Freeholders for the election upon such proposed Charter and at which said general election such Charter shall be submitted to the electors of The City of San Diego for their ratification and adoption.

If the legislature of the State of California approve this Charter, it shall thereupon become the Charter and organic law of The City of San Diego, County of San Diego, at the time therein specified;

IN WITNESS WHEREOF, we, the duly elected, qualified and undersigned Freeholders of The City of San Diego, County of San Diego, State of California, have hereunto set our hands at The City of San Diego, County of San Diego, State of California, on this Ninth day of January, 1931.

NICHOLAS J. MARTIN,
Chairman.

EDWARD N. JONES,
Secretary.

CHARLES E. ANDERSON
STEPHEN BARNSON
ALBERT W. BENNETT
CELIA A. DUNHAM
JUDSON A. FERGUSON
ROBERT GRAHAM
JOHN C. HARTLEY
EMIL KLUCKA
RAYMOND A. MATHEWSON
HENRY W. MERKLEY
IDA B. RANNEY
CHARLES O. RICHARDS
JOHN W. SNYDER,

Freeholders of The City of San Diego, County
of San Diego, State of California.

EDWARD N. JONES,
Secretary of the Board of Freeholders.

THE END

CERTIFICATION

State of California,
County of San Diego, } ss.
City of San Diego.

I, Allen H. Wright, the duly appointed, qualified and acting clerk of the city of San Diego, county of San Diego, State of California, hereby certify that the foregoing is a full, true and correct copy of the proposed charter of the said city of San Diego, prepared and proposed by a duly qualified board of fifteen freeholders, duly elected on the 26th day of August, 1930; that copies of the said charter were duly filed with the clerk of the said city of San Diego on the 9th day of January, 1931, said copies being signed by all of the members of said board of freeholders; that thereafter, within the period prescribed by law, the said proposed charter was duly published in The San Diego Sun, the official newspaper of said city of San Diego; that said charter was submitted to the qualified electors of said city at the general municipal election held on Tuesday, the seventh day of April, 1931, the date of the said election having been fixed by the said board of freeholders, the said date being not less than sixty days from the completion of the publication of such charter, as required by law; and that at such election a majority of the qualified electors of said city of San Diego voting thereat duly ratified the same; and I further certify that at all of the times herein mentioned the said city of San Diego contained a population of more than one hundred thousand inhabitants.

In witness whereof, I have hereunto set my hand and affixed the corporate seal of the city of San Diego, county of San Diego, State of California, this 13th day of April, 1931.

(SEAL)

ALLEN H. WRIGHT,
City Clerk of the City of San Diego.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the said city to be affixed this 13th day of April, 1931.

(SEAL)

HARRY C. CLARK,
Mayor of the City of San Diego.

ALLEN H. WRIGHT,
City Clerk of the City of San Diego.

AND WHEREAS, said Charter has been submitted to the Legislature of the State of California for approval or rejection, without alteration or amendment, in accordance with section 8 of article eleven of the constitution of the State of California; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said charter as presented to, adopted and ratified by said city of San Diego, and as hereinabove fully set forth, be, and the same is hereby, approved as a whole as and for the charter of the City of San Diego, county of San Diego, State of California.